CANADA

RCMP PUBLIC COMPLAINTS COMMISSION

Royal Canadian Mounted Police Act

Subsection 45.46(3)

Chairman's Final Report after a Public Hearing

Complainant:

Mrs. Marcella Glambeck

February 26, 1993

File Nos.: 2000-PCC-89212
2000-PCC-89213

TABLE OF CONTENTS

I. Introduction

II. Interim Report

III. RCMP Commissioner's Notice

IV. Chairman's Final Conclusions and Recommendations

APPENDIX A Interim Report of the Commission Panel which conducted the public hearing

102-05967/

CHAIRMAN'S FINAL REPORT AFTER A PUBLIC HEARING

I. INTRODUCTION

The Process

Under subsection 45.43(1) of the RCMP Act, the Commission Chairman, where he considers it advisable in the public interest, may institute a public hearing to inquire into a complaint whether or not it has been investigated or reported upon or dealt with by the Force. The Commission Chairman will then assign members of the Commission to conduct that hearing and those members will be considered the Commission for the purposes of the hearing. Section 45.45 of the Act sets out some of the rules governing the hearings such as that any person giving evidence at a hearing may be represented by counsel. When the hearing is completed, the Commission, that is, the members comprising the panel that conducted the hearing, will prepare an interim report setting out their findings and recommendations about the complaint and that report is sent to the Solicitor General of Canada, the RCMP Commissioner and to all parties and their counsel appearing at the hearing.

Upon receipt of the interim report, the RCMP Commissioner is required to review the complaint in light of the report's findings and recommendations. The Commissioner must then notify the Chairman of the Commission of any further action that has been or will be taken with respect to the complaint or his reasons for not acting on any of the findings or recommendations.

After considering the Commissioner's notice, the Chairman of the Commission will prepare a final report setting out such findings and recommendations with respect to the complaint as he sees fit. That report is sent to the complainant, the members who are the subject of the complaint, the RCMP Commissioner, and the Solicitor General.

II. INTERIM REPORT

Interim Report and Commissioner's Notice

In the present case, the Interim Report dated November 13, 1992, setting out findings and recommendations, was sent to the Solicitor General and the Commissioner. The Commissioner gave notice of the action he would be taking by a letter dated December 16, 1992 to the Chairman.

The present report is the Chairman's final report with respect to this complaint. It contains, as a background to any final findings and recommendations, the contents of the Interim Report, which includes a summary of the complaint, the Force's investigation of the complaint, the general observations, and the interim findings and recommendations.

III. RCMP COMMISSIONER'S NOTICE

As stated, under subsection 45.46(2) of the Act the Commissioner forwarded the following notice to the Commission Chairman, the content thereof is as follows:

> I acknowledge receipt of the report, of November 13, 1992, submitted by the members of the Commission concerning the public hearing into the public complaints of Mrs. Marcella Glambeck. The file references are 2000-PCC-89212/89213 and 89G-1368.
>
> The conclusions have been examined and the following notice is provided pursuant to the RCMP Act.
>
> With respect to complaint #1, I am pleased to note that the Commission members found no evidence to support the allegation that RCMP members, Sergeant Michael Humphries and Sergeant Richard Jordan, failed in any way to relocate the complainant and her family so as to ensure their safety.
>
> With respect to complaint #2, I note that the Commission members found as a fact that there was no promise of any sum of money made by any member of the RCMP to the complainant.
>
> As part of the RCMP drug enforcement responsibilities there will be a growing requirement to relocate and protect witnesses, an issue which is both costly and complex. I understand that in some cases issues were raised during the hearing which have already been given serious consideration by the RCMP. It may well be that future policy changes are desirable in relation to the Witness Protection Program, however, due to the fiscal constraints imposed on the RCMP at this time, the implementation of these may be limited.
>
> With respect to the 21 recommendations relating to the Witness Protection Program, I will take them under advisement as they are not directly related to the resolution of the complaints. I will, however, instruct the Director of Drug Enforcement to further examine the recommendations as an internal matter.
>
> I thank the Commission for their advice. I look forward to receiving the final report.

IV. CHAIRMAN'S FINAL CONCLUSIONS AND RECOMMENDATIONS

The three-member Commission panel that conducted the hearing presented a very comprehensive Interim Report in this matter. It contains an exhaustive examination of the evidence adduced at the hearing which led the panel members to dismiss the complaints. The panel members concluded, however, that they should address the matter of the Witness Relocation and Protection Programs. It submitted a number of recommendations to the Minister and the Commissioner for their consideration and action.

With respect to these recommendations, the Commissioner has stated that, although they are not directly related to the resolution of the complaints, he will take them under advisement and will instruct the Director of Drug Enforcement to further examine those recommendations as an internal matter.

I wish, at this point, to restate their thoughtful preface to the 21 related recommendations, as it appears at page 100 and 101 of the Interim Report:

> With those things in mind, we are prepared to make some recommendations. In making them, we recognize our own lack of expertise. However, we recognize as well that policing, including witness relocation and protection, is a public responsibility which is taken on for us all by the RCMP as the senior and national policing agency in Canada. Our views and recommendations therefore as citizens and as members of the RCMP Public Complaints Commission may be of value as providing an outside and disinterested contribution to the development of this important aspect of police work.

I must, therefore, while expressing my satisfaction with the Commissioner's statement of intention to take them under advisement and to instruct the Director of Drug Enforcement to further examine the recommendations as an internal matter, and further appreciating the fiscal constraints imposed on the RCMP at this time, urge the Commissioner to actively pursue their implementation in proper time.

Pursuant to subsection 45.46(3) of the RCMP Act, I am submitting the Commission's Final Report into the complaints of Marcella Glambeck.

Chairman

February 26, 1993

Jean-Pierre Beaulne, Q.C.
Chairman
RCMP Public Complaints Commission
P.O. Box 3423, Station "D"
Ottawa, Ontario
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APPENDIX A

ROYAL CANADIAN MOUNTED POLICE

PUBLIC COMPLAINTS COMMISSION

Royal Canadian Mounted Police Act

Part VII
Subsection 45.45(14)

Public Hearing Into the Complaints of Marcella Glambeck

COMMISSION REPORT

John U. Bayly, Q.C.
Judith MacPherson
John Wright

November 13, 1992

TO: THE HONOURABLE DOUG LEWIS, P.C. M.P., SOLICITOR GENERAL OF CANADA
AND TO: COMMISSIONER NORMAN INKSTER, ROYAL CANADIAN MOUNTED POLICE

The undersigned were appointed on July 16, 1990 by Dr. Richard Gosse, Q.C., Chairman, Royal Canadian Mounted Police Public Complaints Commission, pursuant to the authority invested in him under Part VII of the Royal Canadian Mounted Police Act, to conduct a public hearing to enquire into the complaints of Marcela Glambeck.

We have the honour to submit our report in accordance with subsection 45.45(14) of the Royal Canadian Mounted Police Act.

All of which is respectfully submitted,

John U. Bayly, Q.C.

Judith F. MacPherson

John Wright

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TABLE OF CONTENTS

SUMMARY 2

COMPLAINTS 4

JURISDICTION 8

- THE FIRST COMPLAINT 2000.PCC89212 10
- THE SECOND COMPLAINT 2000.PCC89213 12

THE FIRST COMPLAINT 30

- THE FACTS 30
- LETHBRIDGE 42
- INVOLVEMENT OF THE DRUG ENFORCEMENT DIRECTORATE .. 55
- B.C. LOCATION 61
- SERGEANT SHAW'S EVIDENCE 72
- THE B.C. LOCATION, DECEMBER 29, 1987 - MAY 12, 1989 73

WHAT WENT WRONG 94

RECOMMENDATIONS 103

APPENDIX 110

CHAIRMAN'S REPORT

SUMMARY

The RCMP Public Complaints Commission sitting at Edmonton, Alberta between January 7, 1991 and November 28, 1992 after hearing the evidence placed before it with respect to two complaints made by Mrs. Marcela Glambeck decided as follows:

1. That it is not necessary to consider whether it has jurisdiction over the second complaint that:

> "The complainant complains that members of the RCMP breached a promise to pay her the sum of $250,000.00."

The Federal Court of Appeal has decided that Part VII of the RCMP Act has no retrospective application. Because of the retrospectivity ruling, the Commission considered the evidence which related to the complaint in order to establish whether or not it had jurisdiction. In so doing, it found as a fact that no promise of $250,000 or any other amount was made by the subject or any other RCMP officers and that in so accusing the officers, Mrs. Glambeck has seriously wronged them.

Having found as a fact that there was no such promise made to Mrs. Glambeck by the named or any other RCMP officers, it follows there was no breach. We hae no need to consider whether or not this Commission has jurisdiction over the second complaint.

2. The Commission found that it has jurisdiction to deal with the first of Mrs. Glambeck's complaints, namely:

> "...that members of the RCMP conducted themselves in such a way on May 12, 1989, and in the days preceding that date so as to breach the promise to relocate her so as to ensure her safety and that these members include RCMP Corporals Jordan and Humphries when the letter referred to above was read to her."

The facts which were found to give rise to the complaint originated prior to September 30, 1988 but continued beyond that date. We have held that as a continuing complaint, it is not caught by the retrospectivity ruling.

3. We have found that the RCMP and particularly the subject officers did not conduct themselves in any way so as to breach the promise to relocate Mrs. Glambeck so as to ensure her safety.

We have dismissed the first complaint as against the subject officers. We have found notwithstanding that certain things went wrong as a result of which it first became difficult and later became impossible to ensure Mrs. Glambeck's safety and security, we have found that responsibility for that breakdown must be shared by Mrs. Glambeck and the RCMP though we ascribe no blame to either of them.

The Commission nas considered and endorsed certain recommendations presented to it by Commission counsel and has made some recommendations of its own.

The Commission members who heard the evidence wish to extend their appreciation to all counsel who appeared, to the parties who were present throughout, to senior officers of the RCMP who were present for most of the evidence and to our registrar and court reporters without whose patience and help the task would have been more onerous.

Lastly, we express our condolences to the family of the late Sergeant Gordon Shaw who succumbed to illness and passed away before the evidence had all been heard.

COMPLAINTS

On the 29th of May, 1989, Marcela Glambeck contacted the RCMP PCC and registered two complaints. The complaints were received by PCC Complaints Officer Henry Kostuck, rendered into written form, and given separate file numbers. These complaints in written form were forwarded to the Commissioner of the RCMP as is required under the provisions of s. 45.35(3) of the RCMP Act.

The essence of the first complaint (2000.PCC.89212) is:

> "...that members of the RCMP conducted themselves in such a way, on May 12, 1989, and in the days preceding that date, so as to breach the promise to relocate her so as to ensure her safety and that those members include RCMP Corporals Jordan and Humphries when the letter referred to above was read to her."

The essence of the second complaint (2000.PCC.89213) is:

> "...that members of the RCMP conducted themselves in such a way, on May 12, 1989, and in the days preceding that date so as to breach the promise to pay her the sum of $250,000.00, and that those members include RCMP Corporals Jordan and Humphries when the letter referred to above was read to her."

Several months later, on December 4, 1989, Dr. Richard Gosse, Chairman of the RCMP PCC gave notice of his decision to institute a hearing and of the Commission members assigned to hear the two complaints.

That notice specifically named three officers of the RCMP:

Sgt. Rick Jordan
Sgt. Gordon Shaw
Sgt. Michael Humphries

of all "K" Division, Edmonton, Alberta.

The complaints as taken by Complaints Officer Henry Kostuck had by December 11, 1989, been rendered into a sentence which appeared in the Notice of Hearing as follows:

> "The complainant complains that members of the RCMP breached a promise to pay her the sum of $250,000.00 and a promise to relocate her so as to ensure her safety."

Notice was given to the complainant, (Mrs.) Marcela Glambeck, by RCMP Commissioner Norman D. Inkster and the three named officers.

In June 1990, Dr. Gosse gave notice of substitution of a member of the hearing panel. Commission members:

Mr. Justice Sidney V. Legg
Ms. Rosemary Trehearne
Mr. Graham Stewart

convened a hearing to hear the complaints at Edmonton in June 1990.

On the day the hearing was convened, the assigned Commission members declared themselves unable to continue to deal with the complaints and withdrew from the hearing. On July 16, 1990, Dr. Gosse assigned a new panel of Commission members to hear the complaints and gave notice to the complainant, to the RCMP and to the named officers that:

Mr. John U. Bayly, Q.C.
Ms. Judith MacPherson
Mr. R. Barry Learmonth

had been assigned to hear them.

Due to unforeseen events, Mr. Barry Learmonth was unable to be a member of the hearing panel. He was replaced by Commission member Mr. John Wright on

November 26, 1990, just under 18 months from the date the complaints were received. Dr. Gosse gave fresh notice of his decision to institute a hearing into Mrs. Glambeck's complaints. That notice named the three officers, Sergeants Jordan, Shaw and Michael Humphries. The two complaints were referred to by their separate and original file numbers though they were referred to as a single complaint and worded as follows:

> "The complainant complains that members of the RCMP breached a promise to pay her the sum of $250,000.00 and a promise to relocate her so as to ensure her safety."

The fresh Notice of Hearing contained new provisions regarding the notice and scope of the hearing and the reporting responsibilities of Commission members which had not been part of the previous notices. Those provisions were stated as follows:

> "And further take notice that, in respect of these complaints, I decide that it would be in the public interest to institute a hearing now to be conducted by the above-mentioned members of the Commission, and I hereby confirm the institution of such hearing pursuant to subsection 45.43(1) of the Act to inquire into all matters touching upon these complaints and to hear all evidence relevant thereto, to ensure a full and fair hearing in respect of them and to report at the conclusion of the hearing such findings of fact and recommendations as the above-mentioned members of the Commission see fit."

The hearing was set to commence in Edmonton January 7, 1991. The complainant and the named officers were all given notice to appear and of their individual rights to be represented by counsel.

JURISDICTION

While concern was expressed by counsel for the named officers and counsel for the designated member that the process of rendering the complaints into the phraseology of the Commission and re-expressing them was time consuming and worthy of critical comment, the constitution of the panel which convened the hearing January 7, 1991, was not challenged. What was challenged however by both counsel for the named officers and counsel for the designated member was the Commission's jurisdiction to hear and to report on the complaints themselves. It was argued at the first opportunity that the events out of which the complaints arose, were complete before the Commission came into being. If we were to find, it was argued, that the things complained of all took place before September 30, 1988, then, it was asserted, we were without jurisdiction to make findings of fact or to make recommendations regarding the matters complained of.

The law on the lack of retrospective jurisdiction of the RCMP PCC is clear. In a recent decision, the Federal Court of Appeal had decided that Part VII of the RCMP Act does not confer retrospective jurisdiction on the Commission.

What was not clear was how the Commission could determine whether the complaints were caught by the retrospectivity decision of the Federal Court of Appeal at the outset of the hearing. Our Commission counsel and counsel for the complainant urged us to hear all of the evidence, and, having done so to then make the findings of fact necessary to determine the question of our jurisdiction over the complaints. We accepted their view and adopted that approach. We have now heard all the evidence. From that evidence we have found the facts necessary to determine the question of our own jurisdiction.

THE FIRST COMPLAINT 2000.PCC89212

The Facts Relevant to Jurisdiction of the Commission with respect to the first complaint.

It is clear on the evidence of all witnesses that Marcela Glambeck, her husband and two infant children were placed under the protection of the RCMP, moved to an Edmonton motel and from there moved to Lethbridge during May of 1986. When they were moved from their home, Sgt. Rick Jordan advised Mrs. Glambeck that she and her family were in the program, referring to the embryonic Witness Protection Program of the RCMP.

Mrs. Glambeck and her family remained in Lethbridge until the summer of 1987. They were relocated to a town in British Columbia which for security reasons has been referred to throughout the hearings as the B.C. location. They remained in the B.C. location and were considered by the RCMP to be in the Witness Protection Program until May 12, 1989.

Mrs. Glambeck's complaint relates not just to the physical relocations which took place after her safety was threatened but to the manner in which the RCMP treated and handled her relocation and protection. She says that it was the manner of treating and handling her relocation and protection which failed to ensure her safety. Her complaint is by its nature a complaint regarding a continuing course of police conduct. The conduct complained of continues from a point in time prior to the coming into force of Part VII of the RCMP Act to a point in time well after September 30, 1988. We accept jurisdiction over this complaint. The conduct complained of forms a continuum. If an obligation was created by a pre-September 30, 1988 promise or course of conduct and that obligation continued through September 30, 1988, it can and ought to be reviewed in its entirety by this Commission to determine whether there was a failure on the part of the RCMP to fulfil a promise made to Mrs. Glambeck and her family or a failure of an obligation the RCMP had assumed when they made the decisions which led to the exposure and endangering of Mrs. Glambeck as a police informant and later as a police agent.

In order to properly and fairly assess Mrs. Glambeck's relocation complaint, we will have to review evidence of events prior to September 30, 1988 and make findings of fact with respect to that evidence. Some of that evidence relates to the state and evolution of the RCMP's Witness Protection Program. Some relates to the RCMP's knowledge and assessment of Mrs. Glambeck and her family as candidates for inclusion in the witness protection program.

Because Mrs. Glambeck's complaint is about conduct which straddles the date when the legislation creating and empowering this Commission came into effect, we will review the relocation and protection in its entirety. In other words, we will not merely use the May 1986 - September 30, 1988 findings we make as background for assessing the post-September 30, 1988 conduct. We do not review the Federal Court's retrospectivity ruling as being that restrictive.

Any recommendations we make arising out of findings with respect to pre-September 30, 1988 events will by their nature be prospective and of course are intended to be constructive and helpful.

THE SECOND COMPLAINT 2000.PCC89213

The Facts Relevant to the Jurisdiction of the Commission with respect to the second complaint

Marcela Glambeck first came to the attention of the Edmonton ("K" Division) Drug Enforcement Section of the RCMP in the spring or summer of 1985. As a result of information received through intelligence sources, the RCMP gathered evidence of Mrs. Glambeck's involvement in cocaine trafficking.

Using this intelligence as the basis, they sought and obtained authorization under the Privacy Act (what is now s. 185 of the Criminal Code of Canada) to intercept Mrs.

Glambeck's telephone calls. From their eavesdropping they learned that Mrs. Glambeck and her husband were both involved in the drug trade. Mrs. Glambeck was involved in the sale of cocaine. Her husband trafficked in marijuana. Although Marcela Glambeck did not appear to be a major cocaine trafficker, it became apparent to "K" Division drug section that she was actively involved in the sale of cocaine. Her suppliers were prepared to"front" (meaning to provide on credit) ounces of cocaine to her. For a street trafficker she appeared to be remarkably well connected within the South American cocaine trafficking community.

Without any knowledge that she was the object of the electronic surveillance by the RCMP, Marcela Glambeck approached the police on her own initiative with information. A friend and lodger, referred to through the proceedings as the "Heroin Addict" in debt to the members of a motorcycle gang for drug purchases, had been threatened by members of that gang as a result of his failure to pay his debts.

Marcela Glambeck agreed to gather evidence against the bikers for the RCMP. To obtain evidence, she agreed to wear a hidden microphone or "wire" to a meeting with the people who had threatened her friend. This she did apparently at some risk to herself. Through this investigation she became known to RCMP Constable Carmen McKnight.

It was Constable McKnight who on September 30, 1985 introduced Marcela Glambeck and her husband to RCMP officers Corporal Jordan and Corporal Smith (who will be referred to throughout as holding the ranks they had at the commencement of their involvement in the Glambeck case) at a meeting at "K" Division headquarters.

Mr. & Mrs. Glambeck had taken their one year old daughter into the meeting with them. It was apparent that they arrived at the September 30th, 1985 meeting unaware that for months, their telephone conversations had been intercepted by the RCMP.

What Mr. & Mrs. Glambeck considered the purpose of the September 30th meeting with the "K" Division drug officers is unclear. By way of contrast, Corporal Jordan and Corporal Smith were clear that the purposes of the meeting were to reveal to Mr. & Mrs. Glambeck that their drug activities were known to the police, that their conversations had been monitored pursuant to a court order, that they could be prosecuted for their crimes and finally, that if prosecuted they would likely be convicted and imprisoned.

The two officers hoped all of this would be useful in persuading Mrs. Glambeck to become an informant for the RCMP and to provide police with much needed drug intelligence to deal with the South American cocaine traffickers whom they knew were operating within their area.

Corporal Jordan and Corporal Smith were seasoned drug investigators. They were confrontational and blunt. They may have, probably did, exaggerate the strength of the case they had built against the Glambecks. They left both Mr. and Mrs. Glambeck with the clear impression that they would likely be prosecuted and that upon conviction they faced imprisonment for many years. They led the Glambecks to believe that their children could be taken from them.

This tactical approach was effective. Mr. Glambeck was so frightened that he suffered an anxiety attack and swooned early in the meeting. He and the child were taken out of the room by Constable McKnight.

Marcela Glambeck is made of sterner stuff. Raised in a totalitarian South American country, involved from an early age in political resistance to the regime in power, forced to flee to Argentina where she for a time lived in a refugee camp before she found her way to North America, Marcela Glambeck is both tough and resourceful. RCMP Constable Gail Secord who later made the effort to talk to her about her life, described Mrs. Glambeck as a "survivor".

On September 30, 1985, Mrs. Glambeck rapidly sized up her situation and got to the point. In blunt terms she demanded to know what the policemen wanted of her. She was told that she and her husband could avoid prosecution and punishment if she were willing to provide the RCMP with information which would assist them in their cocaine trafficking investigations and drug enforcement. To avoid the consequences of prosecution, she agreed.

During the course of the meeting Mrs. Glambeck was told that the police were not only interested in the names of her contacts and associates, but that she could be paid for valuable drug intelligence. It is not clear whether dollar figures were mentioned. However, we find that no promises of payment were made by either Corporal Jordan or Corporal Smith and that financial awards were not discussed as part of the bargain between Mrs. Glambeck and the RCMP.

We have not overlooked the fact that on the recruitment form he completed on October 2nd, 1985, Corporal Smith recorded that Mrs. Glambeck's motivation in assisting the RCMP would be monetary. We find this to be an inaccurate characterization on her motivation. Marcela Glambeck's motivation on September 30, 1985 was to avoid criminal conviction and punishment for her own illegal drug trafficking.

Mrs. Glambeck was given telephone contact numbers for Corporal Jordan and Corporal Smith. She began almost immediately to supply the RCMP with the names and telephone numbers of cocaine traffickers who were known to her.

Within days Marcela Glambeck had conferred with her lawyer, John Bassie, regarding the wiretap evidence the police claimed to have. She gave her lawyer the names of the two officers who had recruited her. In his testimony before the Commission, Mr. Bassie confirmed this. A memo in Mr. Bassie's own handwriting confirms that he discussed the September 30th recruitment meeting with Mrs. Glambeck on October 2, 1985. We are satisfied that Mr. Bassie advised Mrs. Glambeck early in October that it was probably in her best interests to cooperate with and provide drug intelligence to the RCMP.

By mid-October 1985, Marcela Glambeck had begun to provide valuable information regarding cocaine trafficking into the Edmonton area. Some of the information she provided had to do with a person who was the target of a major undercover operation being conducted by the RCMP. On November 5, 1985 Corporal Smith requested the sum of $200.00 to give to Marcela Glambeck for information she had provided.

The investigation continued. Mrs. Glambeck's involvement deepened. By early December 1985 she was making telephone calls to out of province drug traffickers in an investigation which the RCMP hoped to arrest a suspect bringing 17 ounces of cocaine from British Columbia to a pre-arranged location near the Alberta border.

The operation was unsuccessful because the suspect detected a member of the police surveillance team in Vancouver. Notwithstanding the failure, Corporal Smith and Corporal Jordan were sufficiently pleased with Mrs. Glambeck's assistance that on December 19, 1985 they requested $375.00 from the RCMP to pay her for the information she had provided and for her out of pocket expenses related to her involvement in the investigation.

After the Christmas season and as a result of information provided by Marcela Glambeck, the attention of Corporal Jordan and Corporal Smith was focused on Suhail Khoury, a hairdresser known to Mrs. Glambeck and a cocaine dealer Robert Rivas, one of his employees.

Mrs. Glambeck was again asked to take an active role in the investigation. Through a series of contacts with Mr. Rivas, Mrs. Glambeck gained the suspect's confidence to the extent that he provided valuable drug intelligence. She passed this intelligence on to her handlers. In addition, Mr. Rivas offered to front cocaine to Mrs. Glambeck whom he believed was still trafficking in the drug.

Mrs. Glambeck's involvement again deepened. She agreed to carry a hidden tape recorder and microphone to a luncheon meeting with suspect Rivas at Sceppas, a public restaurant. RCMP officer Constable Dennis Travanut (referred to throughout as Constable Travanut) in plain clothes was present in the restaurant throughout the meeting between Rivas and Mrs. Glambeck for security and surveillance purposes. Other officers were posted outside the building.

Solely as a result of the information obtained by Mrs. Glambeck, on February 16, 1986 RCMP drug officers in cooperation with Edmonton City police were able to set up surveillance at the Greenbrier Hotel and arrest three suspects in possession of approximately three and a half pounds of cocaine.

As a result of her successful efforts leading to the Greenbrier Hotel arrests, Corporal Jordan sought and obtained approval to pay Mrs. Glambeck an "award" for her information and assistance. His original request to the RCMP was for $10,000.00. Ultimately Mrs. Glambeck was paid $9,200.00. Of this, the RCMP regarded $6,500.00 as the award. The balance was paid to Mrs. Glambeck by the RCMP as repayment of monies Mrs. Glambeck had taken from her own resources to purchase a sample ounce of cocaine on Corporal Jordan's instructions as part of the investigation.

Mrs. Glambeck received the $9200.00 payment at the end of February 1986. She was extremely pleased to have received this payment and on all the evidence she appears to have been genuinely surprised by the amount of the "award".

The cocaine which Mrs. Glambeck had purchased was never turned over to the RCMP. There is a dispute in the evidence as to what if anything Jordan told Mrs. Glambeck to do with the ounce of cocaine she had purchased. She says he told her she could "crank it out" or sell it. He denies having given her any instructions to either sell or use the cocaine.

One would have expected the cocaine to be turned over to the police in a controlled purchase situation. Apparently Corporal Jordan did not enquire as to what had been done with the cocaine until months later. At the very least this failure to retrieve what had been purchased as evidence was a serious oversight.

What instructions Corporal Jordon gave to Mrs. Glambeck regarding the cocaine and what she may have ultimately done with the cocaine are interesting matters upon which to speculate. It is not necessary however for us to make a finding on this point on the issue of jurisdiction and we do not do so.

Through March 1986, Mrs. Glambeck continued to help the RCMP in the Khoury investigation. It is during that month that Mrs. Glambeck claims that she met with Corporal Jordan and another RCMP officer whom she is unable to identify. At that meeting she claims Corporal Jordan promised her that she would receive $250,000.00 in return for her co-operation and her evidence against the targeted drug traffickers in the Khoury investigation. Mr. & Mrs. Glambeck both gave evidence that a meeting took place in a car at the Capilano Mall parking lot in Edmonton. Mr. Glambeck said he remained in a nearby van and was not part of the meeting. He says Mrs. Glambeck returned from the police car where the discussion had allegedly taken place and had shared the happy news with him.

Corporal Jordan cannot say at this point and time if he ever met Mrs. Glambeck at the Capilano Mall. It was certainly common practice for the RCMP officers who were handling Mrs. Glambeck to meet her in cars and in parking lots at pre-arranged places and times.

Be that as it may, Corporal Jordan categorically denied that any discussion took place between him and Mrs. Glambeck in which he promised or indicated to Mrs.

Glambeck that she would be paid the sum $250,000.00 or any specific sum in return for her co-operation and her giving evidence against the targeted drug traffickers in the Khoury investigation.

In determining the question of our jurisdiction over the complaint regarding the alleged promise of money in return for co-operation and the giving of evidence, it may be unnecessary for us to make a finding of fact as to whether such a promise was made. For the purpose of determining our jurisdiction, we could assume without making a finding that a promise was made and we could move along to determine whether there was an apparent breach of the alleged promise. If we could determine an apparent breach, we could find as a fact when that breach occurred. If we were to find evidence which would lead us to determine that a breach of the alleged promised had occurred then the finding as to when that breach took place would enable us to determine whether this Commission has jurisdiction to deal with this complaint.

We have considered this approach and we reject it. As our Commission Counsel pointed out in argument, if we find that there was a promise made to Mrs. Glambeck then we are under a duty to report that to the Chairman of the Commission and to the Commissioner of the RCMP even if we find the Commission is without jurisdiction to deal with the matter.

If, on the other hand we find that there was no promise made by Corporal Jordan that Mrs. Glambeck would receive from the RCMP the sum $250,000.00 in return for her co-operation and the giving of evidence then, as Commission Counsel pointed out to us, a grievous wrong has been done to the RCMP and, in particular, to Corporal Jordan and the late Sergeant Shaw.

We have therefore examined the other evidence which touches on the alleged promise and we make the following findings.

Mrs. Glambeck accompanied Corporal Jordan and Constable Travanut to Vancouver on March 30, 1986. She was involved in further undercover work in relation to the investigation already referred to. A large cocaine shipment was expected to be received by the targets in Vancouver. Mrs. Glambeck had presented herself as a prospective carrier of part of the shipment - what is referred to as a "courier" or "mule" in the jargon of the illicit drug trade.

Contact was not made with the suspects in Vancouver. However, discussion regarding monetary awards took place on that occasion between Mrs. Glambeck and Constable Travanut. Mrs. Glambeck denies that Constable Travanut had mentioned any figures but does admit that she pressed him for information. We find on the evidence that Mrs. Glambeck did press Constable Travanut for information with respect to the amount of monetary award she might expect. We find further that having pressed for an answer, she was informed by him that an award in the $40,000.00 to $50,000.00 range might be sought by the investigators.

Mrs. Glambeck went on to assist the police through April of 1986. With her assistance and the work of their own investigators, the police were successful in arresting seven people in the Khoury investigation and in seizing approximately 17 pounds of cocaine.

Following the arrests, the involvement of Mrs. Glambeck as a police informant became the subject of speculation in the cocaine trafficking community in Edmonton. As a result, the safety of Mr. & Mrs. Glambeck became a concern for the RCMP.

At about the same time it became apparent that Mrs. Glabmeck's evidence would be called at the preliminary hearings and trials of the accused persons she had helped to investigate. Mrs. Glambeck and her family entered the Witness Protection Program. We will deal with the set of circumstances surrounding her entry into that program in a subsequent part of this report and decision.

After Mr. & Mrs. Glambeck had been relocated and in the witness protection program for some time and while the Glambecks were living in Lethbridge, Alberta, Mrs. Glambeck saw an item on the "W5" television program which told the story of Leonard Mitchell, another RCMP informant and agent. Mr. Mitchell had complained that he had been promised a large sum of money by the RCMP in return for his assistance and that he had not received it. With the assistance of a Toronto lawyer Robert Reuter, Mr. Mitchell negotiated a large and satisfactory settlement with the RCMP.

The W5 program on Mr. Mitchell appears to have been a turning point in the relationship between Mrs. Glambeck and the RCMP. From that time, she began to attempt to obtain written commitments from the RCMP regarding, among other things, her final award for assisting police.

During the spring and early summer of 1987, Mrs. Glambeck sought the advice of her Edmonton lawyer John Bassie both with regard to the draft letters of acknowledgement which had been presented to her by the RCMP and with regard to the award she was hoping to obtain.

Mr. Bassie gave evidence before the Commission and we had the advantage of reading the contents of his file including his handwritten notes of April 14, 1987 which were placed in evidence before us.

According to Mr. Bassie, no mention was made by Mrs. Glambeck that she had been promised $250,000.00 or any sum by Corporal Jordan at the Capilano Mall. Mr. Bassie's recollection confirmed by his notes, is to the effect that Mrs. Glambeck was seeking an award of between $160,000.00 and $250,000.00.

As a result of his discussion with her, Mr. Bassie initiated correspondence with the RCMP with regard to both her award and her relocation circumstances. No mention is made in that correspondence of any promise of a fixed sum.

Mrs. Glambeck's own evidence is equivocal as to whether she even asserted to Mr. Bassie that she had been promised the sum of $250,000.00. We find on all of the evidence that Mrs. Glambeck did not tell Mr. Bassie that she had been promised $250,000.00 or any other fixed sum by the RCMP.

In December 1987, Mrs. Glambeck, who by that time had relocated to British Columbia with her family under the Witness Protection Program, completed her evidence at the trial of one of the drug conspirators. On December 14, 1987, she spoke on the telephone with Sergeant Shaw and may have also spoken to Corporal Jordan about the amount of her final award.

On that day she was told by Sergeant Shaw for the first time that the RCMP had approved a final award for her in the amount of $40,000.00. She objected to that amount as inadequate and told Sergeant Shaw that.

Most of Mrs. Glambeck's earlier discussions with Sergeant Shaw with regard to a possible award were alleged to have taken place in April and May 1986 around the time she and her family entered the Witness Protection Program. Mrs. Glambeck alleges that Sergeant Shaw told her on various occasions that the award would be "more money than she had ever seen before", that "it would have a lot of zeros in it", that she would be on the "gravy train". Sergeant Shaw acknowledges that Mrs. Glambeck made a number of enquiries to him about the amount of her award. In a March 1987 discussion about a final relocation destination, she had speculated about using her award to purchase a house. Sergeant Shaw's evidence is that he advised her "not to get her hopes up".

We reject Mrs. Glambeck's evidence that Sergeant Shaw told her she would get an award with a lot of zeros in it. We reject her evidence that he advised her she would be on the gravy train. We reject her evidence that she would get more money than she had ever seen before. We find that Mrs. Glambeck was and continued to be inquisitive and persistent in her enquiries with regard to the amount of the award but that Sergeant Shaw was at all times circumspect and cautious and that he took care not to make promises to Mrs. Glambeck regarding the amount of the award that she might expect.

Much later, when Mrs. Glambeck went public with her complaint and was interviewed on BC television on January 5, 1989, she advised the interviewer that her lawyer had given her the $250,000.00 figure which he indicated would be fair. While Mrs. Glambeck acknowledged she had said those words to the interviewer she says she made a mistake in agreeing that her lawyer had given her the figure. We are not prepared to find that Mrs. Glambeck made a mistake with regard to the origin of the $250,000.00 figure. Her answer to the interviewer is consistent with her having discussed a range of figures with Mr. Bassie and having taken from her discussions with him that a figure between $160,000.00 and $250,000.00 would a fair figure and inconsistent with any other reasonable explanation.

Having reviewed all of the evidence related to the alleged promise, we find that neither Corporal Jordan nor Sergeant Shaw made a promise to Marcela Glambeck that she would receive $250,000.00 or any other fixed amount of money as an award for co-operating with the police and for providing evidence at the trial of the drug conspirators in the Khoury investigation. On this point we reject the evidence of Mrs. Glambeck and we do believe the evidence of Corporal Jordan and Sergeant Shaw.

We find that Mrs. Glambeck fabricated her evidence as to the promise of a specific amount of money for her co-operation and assistance. In doing so, Mrs. Glambeck has done a grievous injustice to the named officers, Corporal Jordan and Sergeant Shaw.

Just so that our approach to this jurisdictional question is clear, following submissions of all counsel on the point we ruled at the outset that we would not consider the question of our jurisdiction over this complaint until all of the evidence had been heard. We therefore waited until all of the evidence touching on the promise of an award and the breach of the alleged promise was before us. We then weighed that evidence and came to our findings of fact.

We have found as a fact that there was no promise of $250,000 or any other sum of money made by any member of the RCMP to Mrs. Glambeck. Since we have found there was no promise made, it goes without saying there was no breach to consider.

We have therefore found it unnecessary to make a ruling on the issue of the Commission's jurisdiction over this complaint. The factual underpinnings for such a ruling are absent. The question of our jurisdiction simply does not arise.

We therefore dismiss the complaint without ruling on the jurisdictional issue.

THE FIRST COMPLAINT

THE FACTS

As previously stated, the essence of the first complaint is:

> "...that members of the RCMP conducted themselves in such a way, on May 12, 1989, and in the days preceding that date so as to breach the promise to pay her the sum of $250,000.00, and that those members include RCMP Corporals Jordan and Humphries when the letter referred to above was read to her."

By April 1, 1986 it was becoming clearer to the RCMP that as useful and valuable Mrs. Glambeck had become to K Division Drug investigators, that she and her family might have to be placed into the Witness Protection Program and relocated. Up to that point, Mrs. Glambeck had acted as a police informant only. Certainly, she had taken an active role, in parts of the Khoury investigation. At the February 12, 1986 meeting with Mr. Roberto Rivas at Sceppas restaurant, she had worn a microphone or "wire". On February 14, 1986 she had purchased a "sample" ounce of cocaine from Mr. Rivas in her van. However, before March 1986 the RCMP had foreseen no need to expose Mrs. Glambeck as the source of their drug intelligence in any prosecution of the men arrested at the Greenbrier Hotel. Nor were they ready at that point, to close in on Mr. Rivas or his associates.

As the investigation into the American connection involved in the Khoury case continued, however, two factors began to emerge. The first was the possibility that Mrs. Glambeck would be suspected by cocaine traffickers of being a police informant. The second was that the RCMP might have to use Mrs. Glambeck as an agent to take a more active part in the investigation and later to expose her identity by having her give evidence against the cocaine traffickers she had helped to investigate.

Late in March 1986 as part of the "team" investigating the Khoury case, Corporal Jordan, Constable Travanut and Mrs. Glambeck travelled to Vancouver and there registered at a hotel. It was hoped that, based on intelligence gathered in part by Mrs. Glambeck, a large cocaine shipment would be intercepted at the US/Canada border and the conspirators arrested.

To the extent possible, Mrs. Glambeck was to be kept in the background and her identity protected. However, Mrs. Glambeck had agreed she would take a more active role should it be required of her in order to facilitate the success of the investigation. That active role would in all likelihood have compromised her identity.

Not surprisingly, the potential identification of Mrs. Glambeck as a police informant was a concern to K Division drug enforcement officers. In an April 1, 1986 telex to Sgt. Michael Humphries, the RCMP officer in charge of the Vancouver Drug Section, Corporal Smith expressed his concerns as follows:

> "6. From the start of this investigation it was our intention to utilize______in such a manner so as not to jeopardize the source's identity in any court proceedings. It was our intention to rely on the Privacy Act ______with______providing information to fill in the holes with information that was volunteered by Calderone and Rivas.
>
> As it was mentioned earlier we fully expected to intercept the cocaine when it was entering the country and _______would not have to be anywhere near the drugs and there is little chance that the source would have been suspected of being a police informer....
>
> 9. If_________is required to take a more active role in this matter there is little doubt that the source's identity would be disclosed. There is also a strong possibility that would be required to testify in upcoming court proceedings...
>
> 10. If______identity is disclosed then it would be required that source and family be relocated.
>
> 11. If the matter of relocation has been discussed with_________on several occasions and this presents no problem as far as source is concerned. The matter was also discussed with family and they have no objections.
>
> 12. ______is unemployed and has two children ages 5 and 2 years spouse have personal debts of approximately 2000dlrs if relocation becomes necessary _____would possibly want to be relocated in Winnipeg, this has not been settled for sure.
>
> 13. Again every attempt will be made to avoid having______become more involved in this matter, however should it be necessary _________will be utilized in assisting this section locate the cocaine.
>
> 14. __________is presently in a hotel in Vancouver awaiting further instructions from the principals of this investigation. end

Exhibit 1, p. 52-3

Paras 6,9, 10-14

None of the officers involved, Corporal Smith who wrote the telex, Corporal Jordan, Mrs. Glambeck's primary handler, or Sergeant Shaw, the officer in charge of witness relocation, recalled any discussions regarding relocation with Mrs. Glambeck or her family prior to April 1, 1986. The telex however corroborates Mrs. Glambeck's own recollection that such discussions had taken place prior to the Vancouver trip at least with Corporal Jordan. Mrs. Glambeck recalled that Corporal Jordan had made some joking reference to Mrs. Glambeck being relocated to Winnipeg. Whatever the extent of pre-April 1986 discussions regarding relocation, it is the evidence of all witnesses that, within a week of returning from Vancouver, a meeting concerned the possible entry of the Glambeck family into the witness relocation program took place at a hotel just outside Edmonton. Present were Sergeant Shaw, Constable Travanut and Mr. & Mrs. Glambeck.

At the meeting Sergeant Shaw collected information from the Glambecks about their financial situation, their health and their relocation preferences. The possibility of relocation to Toronto was raised and may have been discussed. For the Glambecks, that seems to have been the preferred destination. Sergeant Shaw gave evidence that Lethbridge and Medicine Hat, Alberta were also mentioned.

When seven conspirators were arrested and 15-17 lbs. of cocaine seized on April 30, 1986, Mrs. Glambeck's active role as a police informant and agent came to an end. Within days, information gathered through RCMP intelligence sources came to Corporal Jordan's attention that members of the South American drug "community" were looking for Mrs. Glambeck whom they had begun to suspect of being a police informant. The information in Corporal Jordan's possession was that, if found, Mrs. Glambeck would be killed.

It became apparent that plans for the relocation and protection of Mrs. Glambeck and her family would have to be accelerated. On May 7, 1986 Corporal Jordan and Sergeant Shaw met with Mrs. Glambeck and her husband at the Pan Am Motel in Edmonton. There was further discussion regarding the family's entry into the Witness Relocation Program. Financial arrangements were discussed. According to Mrs. Glambeck, a number of questions were left unresolved.

A few days later, Corporal Jordan telephoned Mrs. Glambeck at her house outside Edmonton. Although she was entertaining guests, he advised her to immediately pack her bags, remove her family from the residence and for the four of them to meet Corporal Jordan at a Leduc motel.

When they arrived at the motel, Corporal Jordan advised the Glambecks that they were in the Witness Relocation Program. They were to remain in the motel which would be their home until their oldest child had completed her school exams. That would also give the RCMP some time to make necessary relocation arrangements. To say that the RCMP had a plan for the Glambecks when Corporal Jordan advised them that they were "in the program" would be an overstatement. The program was in its infancy. It had progressed from the days when as Sergeant Shaw testified:

> "I think it initially started with throwing somebody on a bus and giving them a few hundred dollars and saying goodbye..." (Transcript, Vol. 21, p. 4716).

But it was still new to the RCMP. Sergeant Shaw referred to it as a quasi-program in 1986. He said it was just coming together at that time and that what was to be designated as the Witness Protection Program didn't exist until 1988.

It is in this context that we must read Sergeant Shaw's May 1986 relocation proposal for the Glambecks (Ex. 1, p. 75ff)

Dated May 16th, the 11 page handwritten proposal wasn't completed until May 29, 1986. In the proposal Sergeant Shaw set out the threat to Mrs. Glambeck and described it as real and serious. He advised the Drug Enforcement Directorate

(Inspector Barszczewski) that the Glambecks had been moved from their home to a Leduc motel and then (before the end of May 1986) to another motel in Lethbridge. He had arranged for a house for the Glambecks in Lethbridge and was able to advise his superiors regarding their expected living costs and other financial liabilities which the RCMP could expect to incur.

Sergeant Shaw considered Lethbridge to be a temporary relocation, suitable to the safety of the Glambecks and adequate for their immediate requirements. In the program he acknowledged that their express preference was for a final relocation in Toronto but stressed that he had made no commitments on behalf of the RCMP.

Sergeant Shaw described the members of the Glambeck family to the Drug Enforcement Directorate who would shortly thereafter review in committee the Initial Relocation Proposal. Their review and further involvement will be addressed later in this report.

In the Initial Relocation Proposal, Sergeant Shaw listed the Glambecks' debts and assets, their medical problems and his assessment of their employability. He noted that Bruce Glambeck suffered from acute depression. He gave his opinion that it would not be necessary for them to change their names and that with their own names they might be better able to obtain work.

By the time Sergeant Shaw concluded the memorandum he had already alerted and recruited the assistance of Sgt. Bruce Welke (referred to throughout as Sergeant Welke) of the Lethbridge RCMP detachment. By May 27, 1986, Sergeant Welke had rented a house for the Glambecks and had arranged for occupancy as of June 2, 1986.

In all of this Mrs. Glambeck and her family had placed themselves completely in the hands of the RCMP. They asked few questions. They went where they were sent. Considering the relationship which was later to develop between Mrs. Glambeck and the RCMP that initially seemed to us unusual. However, having re-examined the relationship between Mrs. Glambeck and her RCMP "handlers" which had developed between September 30, 1985 and May 1, 1986, none of that is astonishing.

In those 6 months she worked with the RCMP, Mrs. Glambeck had developed a great trust in and liking for the RCMP officers with whom she had been working. She told the Commission the RCMP had "turned her life around". She described Corporal Jordan with affection and stated she had called him her "200 lb. lightbulb." She enjoyed the work. It tested her ingenuity and her nerve. She obviously felt she was part of the team engaged in, to borrow a phrase from Kipling, "the Great Game".

When funds could not be had from the RCMP in time to make a controlled cocaine purchase, Mrs. Glambeck arranged to use family resources to buy the drug so as to take advantage of the investigative opportunity. Her preparedness to take this upon herself also indicates her complete faith that the RCMP would stand by her and ensure she was reimbursed.

The attitude of the police officers with whom she worked had softened towards her as well. Corporal Jordan admitted he liked working with her. His neglect to follow up the one ounce evidentiary purchase of cocaine Mrs. Glambeck made on February 14, 1986 and to seize it as evidence is indicative of the relaxed and trusting relationship which had developed between Mrs. Glambeck and her drug officer "handlers".

Mrs. Glambeck received personal "on-the-job" protection from the same drug officers she knew and trusted. They were in plain clothes nearby at Sceppas Restaurant when she met with Mr. Roberto Rivas. They "staked out" the van where she weighed out and made her evidentiary drug purchase from Rivas at Corporal Jordan's direction. They took precautions to meet her in parked cars in the parking lots of hotels.

When they gave her money it was done informally and may have (probably was) given to her in ways calculated to increase or prolong her eagerness to assist and to provide her "handlers" with information. The $9,200.00 payment for information leading to the Greenbrier arrears seems to have come as a genuine surprise to her and was handed over to her in an extremely informal way with no documentary back-up or accounting breakdown having been produced to her at the time she was paid or at all. What that did to increase Mrs. Glambeck's view of the worth to the RCMP of her information and assistance can only be speculated upon. It is obvious to us however that it bolstered her faith and confidence that the RCMP would stand by her and look after her.

Even on the occasion of her packing and evacuating the New Serepta farmhouse she and her family had been renting, it was Corporal Jordan and Constable Travanut who appeared to assist the Glambecks. There in a bizarre but telling little episode, Constable Travanut and Mrs. Glambeck engaged in a little gunnery training and target shooting using his service revolver. While this was cause for raised eyebrows by the Commission members hearing the evidence, we pass no comment on the propriety of this sharing of a peace officer's firearm. Whatever the propriety, however, the target practice episode is significant to the Commission as a further indicator of the relationship that had developed between Mrs. Glambeck and her handlers.

For her part, Mrs. Glambeck had come to like, depend on and fully trust the RCMP officers with whom she worked. For their part, her handlers took personal responsibility for her, treated her as a member of their team and even put aside the usual rules as the relationship ripened into friendship.

We find that when the Glambecks went to Lethbridge they did so trusting and expecting that the RCMP would look after them in the Witness Relocation Program just as they had during the 6 months Mrs. Glambeck had been working with her handlers.

LETHBRIDGE

When the Glambecks were relocated to Lethbridge, it was understood by the Glambecks and all concerned at K Division that the relocation to the Alberta community would be temporary. Final relocation was anticipated after Mrs. Glambeck had given evidence for the Crown in the preliminary hearing of the cocaine conspirators whom she had helped to investigate.

In Lethbridge, the Glambecks became the day-to-day responsibility of RCMP officers Sergeant Welke and Sergeant Humphries (referred to throughout as "Sergeant Phil Humphries" to minimize confusion with his brother, Sergeant Michael Humphries who became involved in Mrs. Glambeck's RCMP protection at the B.C. Location).

In May 1986 Sergeant Welke was the NCO in charge of the Lethbridge GIS. A seasoned police officer, Sergeant Welke had, however, very limited experience in drug enforcement. He had never previously handled or been trained in handling a relocated "human source" witness.

Sergeant Phil Humphries had several years drug enforcement experience. In that work he had dealt with police informants and agents. However, he had no previous experience or training in handling relocated human source witnesses.

It was on Sergeant Shaw's instruction that Sergeant Welke had made housing arrangements. In performing that task, he showed initiative, knowledge of his community and promptness.

After their relocation to Lethbridge, the Glambecks had very little contact with the K Division RCMP drug investigation officers with whom Mrs. Glambeck had worked in 1985 and 1986. In June 1986 Corporal Jordan and Corporal Smith appeared to go over the evidence that Mrs. Glambeck was expected to give at a preliminary hearing. There was some further contact with Corporal Smith who had been designated the officer in charge of the evidence in the conspiracy cases and the liaison between the Crown Attorney and the witnesses.

At Mrs. Glambeck's request, Constable Travanut agreed to meet with Mrs. Glambeck in late December 1986. Constable Travanut testified that he found her bored and frustrated. He concluded she felt isolated and abandoned. He observed that she was having trouble with her weight.

We saw Mrs. Glambeck's meeting with Constable Travanut as a *plea for help.* What had happened in the six months since relocation to render this self-assured resourceful person in need of Constable Travanut's sympathies and assistance?

Lethbridge had been chosen by the RCMP as a temporary relocation community for the Glambecks because they had no connections there. It was unlikely they would be recognized in that city. The Glambecks were encouraged to and did keep a low profile. They were not initially encouraged to seek employment. Even when Sergeant Shaw in July 1986 suggested that Sergeant Welke and Sergeant Phil Humphries encourage Mr. & Mrs. Glambeck to seek employment, that message was not initially passed along to Mr. & Mrs. Glambeck.

Within days of their arrival in Lethbridge, Mrs. Glambeck reported that her husband had run away after an argument. She told her Lethbridge "handlers" that she feared he might attempt to take his own life. Later the same day she reported his return. However, there appears to have been no follow-up despite Sergeant Shaws' cautionary note in the proposal for relocation that Mr. Glambeck suffered from acute depression.

In Lethbridge, Mrs. Glambeck had her first encounter with RCMP bureaucracy. She discovered that to have a refrigerator repaired or an out of the ordinary medical or dental bill approved for payment was a major work though the monetary requests were modest. She was frustrated by the delays. Gone were the days when all of that was handled by somebody in K Division and money was handed to her in a more informal, seemingly *ad hoc* way.

Not to say that the RCMP were remiss in the payment of the Glambeck's regular stipend. The $350/week which had been budgeted for their day to day living expenses was delivered regularly, punctually and in cash by Sergeant Welke and Sergeant Phil Humphries.

Where the money went was a mystery to the Glambecks' handlers. Mrs. Glambeck admitted to the Commission that she and her husband must have appeared poor money managers.

At the outset, Sergeant Shaw had suggested there was little or no security risk involved in the Glambecks retaining their real names.

Sergeant Shaw's recommendation was quickly countermanded by Inspector Chester Kary and the Glambecks were faced with either changing their names or releasing the RCMP from their protection responsibilities. In consultation with the RCMP, the Glambecks selected new names.

Cautious and proper as this step undoubtedly was, it gave rise to another set of problems to be overcome by the Glambecks and the RCMP. The new names took some getting used to. There were particular problems anticipated for the Glambecks' older daughter who was in the third grade. Because of those, the Glambecks wanted the use of new names delayed until the 1986 summer vacation. What caused the greatest difficulty was that the Glambecks lacked the usual identity papers most Canadians take for granted. They had none of the documents we regularly produce to strangers and officials on request.

They had no social security cards or numbers except those which identified them as Mr. & Mrs. Glambeck. Without social security documents, they could not register for employment with the Canada Manpower authorities nor could they provide the information employers require to make the obligatory payroll deductions for tax and CPP and the employee contributions to UIC and CPP.

Mrs. and Mrs. Glambeck still had their drivers' licenses in their Glambeck names. Licences in their new names would not be provided to them by Sergeant Shaw until March 11, 1987.

Notwithstanding the lack of identification documents, the Glambecks had begun to use and become accustomed to their assumed names. They had health insurance cards in those names and Mrs. Glambeck had prescription drugs which she had purchased in her assumed name.

In October 1986 an unfortunate incident occurred during the preliminary hearing of one of the drug conspirators. As the result of a question asked of her in cross-examination, Mrs. Glambeck had produced her pills from her purse and defense counsel had apparently read her assumed name on the pill vial. This revelation had caused Mrs. Glambeck and the RCMP concern and a further name change was for a time considered.

The RCMP knew that Mr. Glambeck was by profession a truck driver. Sergeant Shaw knew Mr. Glambeck had little or no experience in any other work. It is possible Mr. Glambeck might have been able to find some short term seasonal truck driving during the harvest season. But we find there was little hope that he could have found more secure longer term employment as a truck driver without first producing a driver's license in the name he had used.

The failure of the RCMP to provide in a timely fashion the two documents which are basic to the establishment in Canada of new identities angered and frustrated Mr. & Mrs. Glambeck. By October 1986 Sergeant Welke had found it difficult to explain as well. In October, Sergeant Welke raised the lack of progress in providing identity documents in a memo addressed to Sgt. McLeod, Sergeant Shaw's superior. By early

December 1986, Mrs. Glambeck had repeated her concerns to Sergeant Welke regarding the lack of progress in obtaining social security identification through the RCMP. On December 10, 1986 she attributed her inability to obtain employment to the lack of those documents. She also expressed concern at the mental strain which she and her family had experienced sitting at home for six months. Later in a January 9, 1987 memorandum to Sergeant Shaw, Sergeant Welke would venture the opinion that he felt very strongly that the RCMP had left Mrs. Glambeck "on a limb" by failing to provide suitable personal identification. We share Sergeant Welke's view.

In the same memorandum he would report that Mrs. Glambeck had expressed the view that she and her husband were finding it difficult to function without some form of personal identification. That should have been obvious to the RCMP. It was the police, after all, who had insisted on the immediate name change for security reasons.

Unfortunately, Sergeant Shaw considered Sergeant Welke's expression of concern a personal criticism. He was upset. He wondered whether Sergeant Welke and Sergeant Phil Humphries had lost their objectivity. He briefly considered assigning other handlers to the Glambeck case.

Responsibility for obtaining the identity documents the Glambecks needed had been assumed by the Drug Enforcement Directorate of the RCMP in Ottawa when on

June 18, 1986 Chief Superintendent Stamler approved the recommendation of a committee struck to review Sergeant Shaw's May 16 Initial Relocation Proposal. The approval was made subject to the Glambecks agreeing to a name change. The responsibility to secure the necessary documents to effect the name change was delegated to K Division. In the approved plan for initial relocation we find:

> Initial proposed final relocation to Toronto has been struck by K Division. The move to Lethbridge is therefore considered final. This move should suffice if in fact the names of the family members are changed. This may be securely accomplished within K Division.
>
> Committee Recommendations
>
> 2. Subjects undergo secure legal change of identity or provide a relinquishment of claim regarding need for a name change.
>
> Exhibit 1, p. 107 (emphasis ours)

K Division failed to securely provide the Glambecks with documents necessary to effect the legal name change in a timely fashion. We cannot lay that at the feet of any of the named officers. However, the failure is a significant one for which we were not provided a satisfactory explanation.

In late November 1986 with her confidence and trust in the RCMP rapidly ebbing away, Mrs. Glambeck learned of the television program in the W-5 series referred to earlier.

Mr. & Mrs. Glambeck discussed the television documentary reporting the Mitchell case. They concluded that they were in a similar situation. Mrs. Glambeck lost no time in contacting one of her RCMP handlers. She demanded to talk to Sergeant Shaw. In her evidence, Mrs. Glambeck told the Commission she had phoned the lawyer Reuter who had advised her to get something in writing from the RCMP. She raised her concerns about protection and identity documents with Sergeant Welke and Sergeant Shaw. In addition, she asked Sergeant Shaw about her award. Shortly thereafter she arranged for her meeting with Constable Travanut which has already been mentioned.

The quest for something in writing from the RCMP became Mrs. Glambeck's 1987 New Year's project. She and her husband continued to press for the identification documents of course. In addition, through lawyer John Bassie, Mrs. Glambeck sought to pin the RCMP down on the quantum of the award which would be paid to her for her assistance. She also sought some written confirmation that the protective measures which had been extended be set down and confirmed in writing by the RCMP.

In his testimony Inspector Kary said that the RCMP in Ottawa were also interested in written confirmation of the terms on which protective measures were being provided to Mrs. Glambeck and her family.

On February 25, 1986 a Letter of Acknowledgment (LOA) was sent by Sergeant Shaw to Sergeant Welke and Sergeant Phil Humphries. The LOA was developed from a standard form document, the precedent for which had been drafted for the RCMP at some earlier time. The document was shown to the Glambecks by their RCMP handlers on February 26th. Neither handler had been briefed by Sergeant Shaw or his superiors regarding the meaning or purpose of the document. Mrs. Glambeck informed her handlers she objected to a number of the provisions in the document. She refused to sign it.

It is not difficult to see why. Those provisions the RCMP made in the LOA were largely a confirmation of payments already arranged and made. According to the document there was a number of things Mrs. Glambeck might do which would result in the withdrawal of protective measures. At the same time, the LOA provided:

> (d) the Royal Canadian Mounted Police will promptly investigate any prior or subsequent unlawful acts committed by me, and where necessary institute criminal charges against me. (Exhibit 1, p. 135)

So, according to the LOA, the RCMP could and in fact were obliged to investigate her and charge her with prior crimes. At the February 26, 1987 meeting Mrs. Glambeck accused the RCMP of failing to keep its word. She referred to promises which were made to her though she gave no particulars. We find that Mrs. Glambeck was referring to the promises made by Corporal Jordan and Corporal Smith on September 30, 1985 that she would not be charged for her drug trafficking activities of the summer of 1985 if she cooperated and provided drug intelligence to the police. She threatened to refuse to testify at the upcoming trial of one of the drug conspirators. She demanded something in writing to confirm exactly what the RCMP intended to do for her. She told her handlers she would be contacting lawyer Bassie regarding the LOA.

According to notes kept by the Lethbridge handlers, when Sergeant Shaw was advised of Mrs. Glambeck's reaction he stated that if Mrs. Glambeck refused to cooperate, he would consider dropping her from the program. We do not find it surprising that she sought her assurances from the RCMP in writing.

By late February 1987 Sergeant Shaw realized he had a growing problem on his hands. In March he arranged to have the Glambecks flown to Edmonton. At the March 11, 1987 Edmonton meeting, Sergeant Shaw had drivers' licenses for the Glambecks in their assumed names. He gave them the licenses and showed them a revised LOA. There is one significant change in the revised LOA. Added is the sentence:

> "(d) ...no charges will be brought against me in relation to the investigation for which I have been relocated."
> (Exhibit 1, p. 144)

We find that this sentence was added to put to rest the possibility that Mrs. Glambeck be charged with her pre-September 30, 1985 drug related activities which were the subject of wiretap evidence gathered by the RCMP during the spring and summer of that year.

Mrs. Glambeck told Sergeant Shaw that she wanted lawyer Bassie to see the revised LOA before she would sign it. The meeting ended with Sergeant Shaw still concerned that the Glambecks would cause problems for the RCMP in the future. The subject of a final award came up in the discussions. Mrs. Glambeck wanted to know how much money she was going to receive. She talked about buying a house. Sergeant Shaw cautioned her not to get her hopes up.

Despite the tensions which had arisen and grown between Mrs. Glambeck and the RCMP since the Glambecks had entered the Witness Relocation Program, Mr. & Mrs. Glambeck returned to Lethbridge apparently more pleased and optimistic than they had previously been. They were apparently more satisfied with the redrafted LOA. Having drivers' licenses in their assumed names also gave them some satisfaction that work was underway to complete the records necessary to give proof of their new identities.

Sergeant Shaw however remained concerned with the outcome of the March 11, 1987 meeting. On March 13 he wrote the Lethbridge handlers cautioning them about deteriorating relations with Mrs. Glambeck. He advised them to take notes of conversations on controversial subjects.

Sergeant Shaw wrote to RCMP headquarters in Ottawa requesting authorization to extend the Glambecks' maintenance payments to May 1987. Maintenance authorization which was approved by Chief Superintendent Stamler on June 18, 1986 had expired on November 30, 1986 though payments had continued.

On March 20, 1987 Corporal Jordan completed an award submission or proposal on behalf of Mrs. Glambeck. He told the Commission that he had not asked the advice of any of his fellow officers with respect to the quantum which he recommended be $40,000.00. His proposal was however reviewed by Sergeant Shaw before it was forwarded to headquarters in Ottawa.

In his award proposal, Corporal Jordan spoke very positively of Mrs. Glambeck's contribution to the investigation. He mentioned the risk to her and the inconvenience to the whole Glambeck family. He advised his superiors that Mrs. Glambeck's evidence given at the preliminary hearing had been "good" testimony and described it as instrumental in achieving the committal of the drug conspirators.

The preparation and submission of the Glambeck award proposal coincides with initiatives taken by Mrs. Glambeck and her lawyer John Bassie with respect to the amount of the award. We do not find that the preparation of the award proposal is connected to Mrs. Glambeck's initiatives nor that the preparation and submission of the proposal had anything to do with Sergeant Shaw's growing concerns about handling the Glambecks so as to ensure their safety.

Furthermore, we are satisfied that in spite of her ongoing frustrations with the RCMP on a variety of subjects, Mrs. Glambeck did not allow her growing disaffection with the RCMP to affect her demeanour as a witness or the evidence she gave in the drug conspiracy preliminaries.

INVOLVEMENT OF THE DRUG ENFORCEMENT DIRECTORATE

Throughout the Glambecks' involvement in the Witness Protection Program and unbeknownst to the Glambecks, senior officers in the Drug Enforcement Directorate were aware of and involved themselves in decisions related to her protection and relocation. Inspector Chester Kary, the NCO in charge of Undercover and Source Operations in the Drug Enforcement Directorate (later Undercover and Source Operations section) became involved in May 1986. Having reviewed Sergeant Shaw's initial relocation proposal, he requested Inspector Richard Barszczewski, OIC Source

Witness Protection Unit in Ottawa to brief him with respect to its contents and recommendations.

Inspector Kary was initially concerned about the combined security implications of an Alberta relocation site, the absence of a recommendation for a name change and the stipulation that Mrs. Glambeck would be encouraged to seek employment.

The briefing note Inspector Kary had requested was in fact prepared by a Cpl. S.N. Braun. His note became the basis for a recommended relocation from which Inspector Stamler, the Director of Drug Enforcement instructed be reviewed by a committee of senior officers at RCMP headquarters.

On June 18, 1986 this committee reviewed the relocation plan Cpl. S.N. Brown had recommended. Inspector Kary appeared before the Commission as a witness. He had acted as secretary to the committee. Both Inspector Barczczewski and Superintendent Puliot appeared before the Commission. Neither was a member of the committee but both had been briefed on the committee's recommendations shortly after those had been made.

It was that review committee which approved Sergeant Shaw's initial relocation plan subject to:

1. The Glambecks' agreement to undergo a name change or to provide a release of the RCMP if they declined to do so
2. Maintenance and relocation costs being provided for 6 months to November 30, 1986.

It was apparent to us that the senior officers at RCMP headquarters relied on K Division information in their consideration of the Initial Relocation proposal. For example:

1. That Mr. & Mrs. Glambeck were willing to work

2. That Mrs. Glambeck was resisting a name change because of problems her school age child might encounter.

What is more difficult to discover however is how in the summer of 1986 the Headquarters Review Committee came to consider the relocation to Lethbridge as a final relocation. Inspector Kary gave evidence that a single extra jurisdictional relocation is preferable. In the first place, it is cheaper. In the second place, it is less disruptive for the relocated witness and her family. In the third place, an extra jurisdictional move is often more secure. We agree with his three observations.

The facts are, however, that Mrs. Glambeck had expressed a preference for Toronto. Sergeant Shaw made no commitments to her but passed her preference as to his superiors in the Initial Relocation proposal.

In his June 12 briefing note to the committee Cpl. Brown recommended Lethbridge be the final relocation site . (Exhibit 1, p. 103). On the same day it appears that Inspector Kary telephoned Sergeant Shaw, the Division witness relocation co-ordinator. According to Inspector Kary's memo, written at the foot of Cpl. Brown's briefing note, Sergeant Shaw clarified:

> "that move to Lethbridge is final and only move being requested." (Exhibit 1, p. 103)

The minutes of the committee meeting reflect Inspector Kary's understanding:

> "Initial proposed final relocation to Toronto had been struck by K Div. The move to Lethbridge is therefore considered final. This move should suffice if in fact the names of the family members are changed. This may be securely accomplished within "K" Div. (Exhibit 1, p. 107)

Inspector Kary's note June 12 indicates that Sergeant Shaw informed him that the Glambecks were no longer pursuing relocation beyond Lethbridge. His evidence on the point is more equivocal. Inspector Kary told the Commission Sergeant Shaw was acting on Headquarter's decisions respecting the Lethbridge relocation and a year later with respect to the subsequent relocation to British Columbia. From the evidence before us we are unable to determine who made the June 1986 decision that Lethbridge was to be the community of final relocation for Mrs. Glambeck and her family.

It is sufficient to say however that the decision was unilaterally made by the RCMP without consultation with Mr. & Mrs. Glambeck and we so find. According to Sergeant Shaw and in spite of the RCMP decisions which had quite clearly been made as late as the summer of 1987, Mrs. Glambeck may have believed that she and her family would be finally relocated to Toronto. We find that neither Mr. or Mrs. Glambeck, nor her Lethbridge handlers, Sergeant Welke and Sgt. Sergeant Phil Humphries were informed that Lethbridge was considered the final relocation destination and that the Glambecks continued to rely on earlier RCMP assurances that a final location would be selected and relocation undertaken after preliminary hearings in the drug conspiracy cases.

The separate understandings held by the Glambecks and senior RCMP personnel as to the permanence of the relocation to Lethbridge, Alberta contributed to subsequent distrust and misunderstandings. The growing distrust and misunderstandings contributed to the difficulty the RCMP experienced in handling Mr. & Mrs. Glambeck so as to ensure their safety.

Someone in the RCMP ought to have told Mr. & Mrs. Glambeck of the June 18, 1986 decision respecting their relocation. Nobody did. We reject Inspector Kary's assertion that ultimate responsibility to inform the Glambecks rested with Sergeant Shaw as the Division coordinator. Responsibility for seeing that the Glambecks were so informed by Sergeant Shaw or some other responsible officer rested with the D.D.E. in Ottawa. The Drug Enforcement Directorate may have assumed that the Glambecks agreed. However Headquarters personnel neglected to ensure that the Glambecks were told of the RCMP decision. That failure contributed to the deterioration of the relationship between the RCMP and Mr. & Mrs. Glambeck. While this failure did not compromise her security, it made it more difficult for her handlers to ensure Mrs. Glambeck's safety. And it made it less likely that Mr. & Mrs. Glambeck would continue to behave in ways which would contribute to their own long term safety and security.

Mrs. Glambeck confirmed to this Commission that her complaint is not that the RCMP failed to move her to Toronto. She told us that by the spring of 1987 it was apparent that the RCMP had rejected Toronto as a final relocation destination. We find that she reluctantly accepted that fact and further that she continued to press for a final relocation to a community outside Alberta. We find that the community selected (the BC location) was identified to the RCMP by Mr. & Mrs. Glambeck as an acceptable option.

Although there is some relationship between the May 1987 RCMP proposal to relocate Mrs. Glambeck and her family to the B.C. Location and the compromising of her identity which had accidentally occurred during the preliminary hearing in October 1986, we do not accept that as the whole or even the dominant reason for approval of the relocation in the summer of 1987.

In the first place, almost 9 months had elapsed since the security breach. In the second place, things were not going well between Mrs. Glambeck and the RCMP. There seems to us little doubt that Mrs. Glambeck and the RCMP seized the relocation of the Glambeck family to the BC Location as an opportunity to make a new start. We commend the RCMP for having recognized this.

B.C. LOCATION

In late May 1987, RCMP Headquarters received a proposal from "K" Division to relocate the Glambecks from Lethbridge, Alberta to the B.C. Location. A month later the proposal was approved. Sergeant Michael Humphries, a seasoned officer with drug investigation experience was assigned the responsibility of assisting the Glambecks both to find accommodation and to establish themselves in the B.C. Location. Subsequently Sergeant Michael Humphries assumed the responsibilities as Mrs. Glambeck's primary handler and emergency contact person. He is one of the named officers in this inquiry.

Very little background information seems to have been provided by the Lethbridge handlers Sergeant Phil Humphries and Sergeant Welke. Sergeant Michael Humphries was advised by Sergeant Welke that the Glambecks were poor money managers, but there seems to have been no report of the previous years problems and frustrations experienced by the Glambecks and their handlers.

The Commission finds the absence of a detailed briefing by either Sergeant Shaw or the Lethbridge handlers surprising. Moreover, the responsible officers in the B.C. Location demonstrated a remarkable lack of curiosity as to the reasons for relocation and a profile of the family which they would be handling. This is more surprising when one takes into account that Sergeant Phil Humphries and Sergeant Michael Humphries are brothers and that prior to his transfer to the B.C. Location, Sergeant Michael Humphries had been an officer in the Vancouver drug section involved in the Khoury investigation. Sergeant Michael Humphries was in fact one of the officers responsible for the seizure of the 15-17 lbs. of cocaine and the arrest of Rosa Echeverria, a co-conspirator against whom Mrs. Glambeck was giving evidence.

Sergeant Michael Humphries could not have been better connected to obtain relevant background information. In retrospect, such information might have proven helpful to the officers in the B.C. Location in handling Mrs. Glambeck and her family.

We find that from the outset, Sergeant Michael Humphries was positive and helpful. Before the Glambecks arrived, he sent them a local newspaper so that they could examine the classified ads listing rental accommodation. He suggested that the Glambecks visit the B.C. Location before the move so that they could personally make leasing arrangements. When they arrived it was Sergeant Michael Humphries who provided them with a street map of the community.

The Glambecks were initially discouraged by the scarcity of accommodation available without restrictions as to children and household pets. However, within 24 hours Mrs. Glambeck had found a suitable house. This dwelling was available on a 12 month lease at $620.00/month. The rent was $20/month beyond the limit authorized by RCMP Headquarters. Sergeant Michael Humphries urged Mrs. Glambeck to wait for a day while he sought authorization. Disregarding his request and out of concern lest the house be rented to another, Mrs. Glambeck went ahead and signed the lease, stating to the RCMP her willingness to cover the excess $20/month should that be necessary.

For the first several months in the B.C. Location the Glambecks remained enthusiastic about the move. They appear to have liked their handlers Sergeant Michael Humphries and Corporal Ken Doll. Corporal Doll acted as the "paymaster" on behalf of the RCMP. Initially there were some debates about travel expenses related to the relocation of the family but those were minor and reasonably resolved.

In Lethbridge the RCMP handlers had been responsible for the payment of the Glambecks' rent and utilities. In the B.C. Location those responsibilities were turned over to Mrs. Glambeck. In other words, the RCMP provided her the funds and she paid the household expenses.

Corporal Doll seems to have been the ideal police officer to have assigned to deal with Mrs. Glambeck's ongoing maintenance and her periodic extraordinary demands for payment of other expenses. He was phlegmatic and unjudgmental. The choice of Corporal Doll for this assignment was an astute one. The RCMP (and particularly Sergeant Michael Humphries) are to be commended for it.

Between August 1, 1987 when the Glambecks moved to the B.C. Location and December 4, 1987 when Mrs. Glambeck returned to Edmonton to testify at the trial of the co-conspirators, there were two or three occasions when she raised with the B.C. handlers the subject of her final award.

Sergeant Michael Humphries recalled one such incident which occurred August 31. At that time Mrs. Glambeck made reference to her lawyer and the lack of response from the RCMP with respect to a final settlement.

Corporal Doll told the Commission that late in October, Mrs. Glambeck spoke to him twice on the telephone - once to say she had heard she was to receive no final award and again to say she had been speaking to Sgt. Shaw. In the first conversation with Corporal Doll, Mrs. Glambeck raised the possibility of "going public" with her demands and grievances with the RCMP.

In none of these conversations is there any evidence that Mrs. Glambeck made any reference to having been promised $250,000 or any other sum of money by the RCMP. Mrs. Glambeck said in her own evidence-in-chief that she may have raised the subject of her award with the B.C. handlers but she had no specific recollection of having done so. We find on all of the evidence that Mrs. Glambeck did not raise the subject of the alleged promise with her B.C. Handlers on any of these occasions.

During the summer and fall of 1987 Mrs. Glambeck did not work and appears not to have sought employment. Mr. Glambeck appears to have spent 1 day as a casual employee harvesting fruit. Apart from that, he did not have or seek employment. The

B.C. handlers seem to have had no instructions or direction from Sergeant Shaw or headquarters to urge the Glambecks to seek gainful employment.

Some time in October of 1987 in conversation with her handlers, Mrs. Glambeck raised the possibility that she might open an art shop or an art supply shop. In a continuation report written October 25 and October 26, Sergeant Michael Humphries noted that Mrs. Glambeck advised that she had already been to see a business counsellor for advice. Included in the advice she had received from the business counsellor was a recommendation that she should first commission a marketing survey at an estimated cost of $400. Through Sergeant Michael Humphries Mrs. Glambeck sought an advance on her final award payment to pay for the marketing survey.

In conversation the following day, Sergeant Michael Humphries passed Mrs. Glambeck's request to Sergeant Shaw although he appears to have advised Mrs. Glambeck to wait until after she had testified in case she changed her mind about permanently living in the B.C. Location. (Exhibit 1, p. 244).

Sergeant Shaw passed Mrs. Glambeck's request along to the Director of the Drug Enforcement Directorate. Later Sergeant Shaw was advised that a legal opinion had been obtained and that to advance money to Mrs. Glambeck from her final award would offend the rule in the Palmer case. This case represented the law of the day from which the rule was derived that the evidence of a witness who received or knew she was to receive a specific amount of money by way of an award for "her evidence" would be tainted. In such cases adverse inferences could be drawn with respect to it by a judge or a jury.

This rule has since been changed. In light of that, our comments on this subject may be only marginally useful. What seems paradoxical to this Commission however,is the fact that within a classification called "relocation expenses" the RCMP had been willing to provide up to $10,000 to Mrs. Glambeck so that she could get into a meat sales business. Only a few weeks later, on his own authority, Sergeant Shaw had advanced Mrs. Glambeck $200.00 so that she could purchase clothes suitable for an RCMP agent in the witness box. Obviously ways could be found to justify and make payments to relocated source witnesses when the RCMP chose to do so.

In contrast, the RCMP seems to have made no effort to find a way to encourage or assist Mrs. Glambeck in her art shop business initiative. In the long run, the $400 expense was probably recoverable, if not from the final award, then from some other legitimate source. Assisting with the cost of the business survey might have contributed to Mrs. Glambeck's earlier return to the work force. Instead of trying to find a way to encourage and assist her, the RCMP and in particular Sergeant Shaw and Sergeant

Michael Humphries appear to have discouraged Mrs. Glambeck from pursuing this initiative until after she had testified.

As mentioned earlier, Corporal Doll was assigned the task of reporting the RCMP decision not to assist Mrs. Glambeck with the cost of the marketing survey. It was during this October 30, 1987 conversation that Mrs. Glambeck expressed her doubts that there was to be a final award paid to her and threatened to go public. (Exhibit 1, p. 249).

A few days before she was to testify in the first of the conspiracy trials, Mrs. Glambeck went to Edmonton where she was provided security by the RCMP. It was for that trial that Sergeant Shaw had provided Mrs. Glambeck with $200 so that she could buy clothing which she claimed she required to look her best in court.

Mrs. Glambeck completed her evidence on December 14, 1987. That evening after she had returned to her hotel, Mrs. Glambeck received a telephone call from Sergeant Shaw. His purpose in telephoning was to advise Mrs. Glambeck of the amount of her final award. When she was told she was to receive $40,000, Mrs. Glambeck declared to Sergeant Shaw that she would not accept that amount. Mrs. Glambeck told the Commission she was upset and we find that to be so.

Mrs. Glambeck gave evidence to the Commission that she was told by Sergeant Shaw that if she didn't accept the amount of the award, she was "cut-off" meaning dropped from the Witness Protection Program. We can find no other evidence that the RCMP intended to drop Mrs. Glambeck from the program if she declined the offered award. Whether or not Sergeant Shaw said any such thing in the heat of the telephone conversation, we find that dropping Mrs. Glambeck from the Witness Protection Program was neither planned nor attempted by the RCMP in December 1987.

Before he left the witness table, Sergeant Shaw acknowledged that he and Mrs. Glambeck had argued in the telephone discussions of December 14, 1987. He admitted he had reminded her that she had previously been a drug trafficker and he declared she had never lived better than under the care of the RCMP. He told the Commission that Mrs. Glambeck had hung up the telephone on him before the conclusion of the conversation.

After the telephone conversation with Sergeant Shaw, Mrs. Glambeck told members of the security unit assigned to her protection that she wanted to go to Mr. Bassie's law office. The two duty officers assigned accompanied her there. Mr. Bassie was away from his office on December 14 and Mrs. Glambeck spoke to his assistant, Michelle Reeves. Ms. Reeves prepared a memorandum of their discussion which was placed in evidence before us. Ms. Reeves called Sergeant Shaw. Her memo indicates she was told by Sergeant Shaw that Mrs. Glambeck had not been "cut-off", that she had already been paid up to December 18, 1987 and that she could anticipate further maintenance in the future.

The dayshift officers of the RCMP security unit returned Mrs. Glambeck to her hotel. They remained with her until 8:00 p.m. and were relieved by other officers. One of these dayshift officers, Constable Gail Secord had been assigned to Mrs. Glambeck's security during the trial. It was obvious to the Commission that Mrs. Glambeck had talked freely and frankly to Constable Secord. Constable Secord obviously found a good deal in Mrs. Glambeck to like and admire. She described Mrs. Glambeck as a survivor. Of all of the RCMP officers we found Constable Secord the most perceptive about Mrs. Glambeck. We found her recollection to be excellent and where her evidence and that of Mrs. Glambeck's are at variance, we prefer and accept that of Constable Secord as the more accurate and complete.

Mrs. Glambeck told the Commission that after she was returned to her hotel room, she was called on the telephone by Corporal Jordan. She testified that she was upset by his call and that they had argued. She gave evidence that RCMP officers in the hotel room were aware she had had this telephone discussion. She said that she knew her security was being withdrawn and that she had pleaded for members to remain. She says that one officer, Constable Les Kjemhus, agreed to stay until her husband could pick her up. Mr. Glambeck echoed his wife's testimony when he gave evidence to the Commission.

Constable Secord gave evidence about the events of the afternoon and early evening of December 14, 1987. She testified that Mrs. Glambeck did not appear to be upset after court on December 14th. Constable Secord said that after the trip to Mr. Bassie's office, she recalled no telephone call from an RCMP officer to Mrs. Glambeck. Constable Secord said that she had no reason to believe that the RCMP security unit was to be withdrawn while Mrs. Glambeck was in Edmonton. Constable Secord gave evidence that she and Constable Rex Brasnett went off duty at 8:00 p.m. that evening and were relieved by Corporal Les Kjehmus.

Having heard the evidence of Mr. & Mrs. Glambeck and Constable Secord and having read the written evidence of officers Brasnett and Kjehmus which was filed with the consent of all parties, we find that on December 14 and 15, 1987 the RCMP did nothing that could be interpreted as compromising or threatening the security of relocated witness Marcela Glambeck, her husband or her family.

SERGEANT SHAW'S EVIDENCE

At this point in the narrative, Sergeant Shaw's evidence was adjourned while he was still subject to examination by Commission counsel. We had expected to be able to resume and complete the hearing of his evidence at a later date, but his health rapidly deteriorated and he died before he could return to complete his evidence. We have considered that Sergeant Shaw was not examined in these proceedings by his own counsel or subject to cross-examination by counsel for the complainant and counsel for the designated officer. We recognize that although our Commission Counsel quite properly questioned Sergeant Shaw directly and in a fashion which can only be described as cross-examination, there was no opportunity available to other parties to question him about his recollections or his contributions to the documentary record.

In our review of the evidence, we found that much of his evidence is corroborated by the testimony of others and by the documentary record which is voluminous. We have taken care however, particularly in dealing with events which occurred after December 14, 1987 to remind ourselves that neither Sergeant Shaw's recollection nor his contributions to the documentary record were tested before us. We have therefore taken special care to assure ourselves that the facts we have found which arise out of Sergeant Shaw's evidence are either confirmed by other credible evidence or, where we have accepted his uncorroborated evidence over that of other witnesses, his testimony was satisfactorily tested in cross-examination by our Commission Counsel.

THE B.C. LOCATION, DECEMBER 29, 1987 - MAY 12, 1989

The Glambecks appear to have returned to the B.C. Location just after Christmas in 1987. Almost immediately after they returned, Mrs. Glambeck began reporting incidents to her handlers which indicated apparent concern for her security and safety. Interwoven and forming a part of the fabric of these complaints, is a pattern of disenchantment, resentment and anger with the RCMP which rapidly became more obvious and coloured the relationship between Mrs. Glambeck and the police. Her handlers Sergeant Michael Humphries and Corporal Doll bore the brunt of Mrs. Glambeck's resentment and anger. Corporal Doll was remarkably unaffected by it and absorbed on behalf of the RCMP, much of the shock of Mrs. Glambeck's reaction. Sergeant Michael Humphries was more sensitive and appears to have been hurt by Mrs. Glambeck's complaints, accusations and particularly by her formal complaint to this Commission.

At the end of December, Mrs. Glambeck reported to her B.C. handlers that her car had caught fire. She subsequently advised Sergeant Michael Humphries that she suspected arson.

Sergeant Michael Humphries treated Mrs. Glambeck's suspicion seriously. He had the fire department investigate the cause of the fire. Arson was eliminated as a possible cause. Sgt. Humphries saw to it that the Glambecks had transportation and for a time the use of a replacement vehicle provided by the RCMP. He believed the Glambecks were beginning to take advantage of the RCMP whom he described as being at the "beck and call" of the Glambecks. If this coloured his opinion of the Glambecks, it does not appear to have affected his response to their security needs and concerns. Nor does it appear to have been recorded or reported by him as a cause for any concern that the Glambecks' attitudes and handleability might be changing. To be fair, while this seems apparent to us with the advantage of hindsight, it was probably not detectable at the New Year in 1988.

On January 18, 1988 when Corporal Doll was paying Mrs. Glambeck her maintenance, she informed him she was upset with everything, that she had telephoned the Prime Minister and that she was going to "go public". Corporal Doll had heard Mrs. Glambeck's cries of frustration before and he did not treat this incident as remarkable.

In mid-February 1988, Mrs. Glambeck reported that on February 13 she had received a threatening phone call. She advised her handlers that a man had spoken the following words in English:-

"I know where you are and we are going to hurt you."

She alleged that the caller had continued in Spanish and had said:

> "You won't be safe" or "You won't be able to hide".

According to Mrs. Glambeck, a second voice had laughed and screamed on the phone after the first had spoken and there were voices in the background speaking Spanish. Mrs. Glambeck reported to the police that the caller might have been Roberto Rivas.

Mrs. Glambeck's handlers took the threat seriously. Mrs. Glambeck's telephone number was changed and she was cautioned not to give it out. Phone records were checked in an effort to determine the origin of the call. Sgt. Shaw was informed and he in turn advised Inspector Kary.

Roberto Rivas was interviewed on February 24, 1988 by "K" Division officers. He denied having made the call to Mrs. Glambeck. K Division took steps to review Rivas' home phone bill. Rivas, although a serving prisoner, had been away from his jail cell the day the call was said to have been received.

In the end, nothing conclusive could be determined with respect to the call. In investigating Mrs. Glambeck's February 13 complaint, we are satisfied that all reasonable efforts that could have been made were made by the RCMP to protect the security of Mrs. Glambeck and her family.

In Ottawa, at the Drug Enforcement Directory, Inspector Kary was sceptical. He had recently told Mrs. Glambeck's lawyer Robert Reuter that the RCMP would not be increasing the $40,000 award. He theorized that the complaint about the threatening call was a pressure tactic. Notwithstanding his theory and suspicions, Inspector Kary wrote to Sgt. Shaw enquiring what steps were being taken to verify the threat and asking what action was being initiated to deal with Mrs. Glambeck's complaint. Inspector Kary's suspicions and his enquiries are captured in his February 16, 1988 memorandum to the Officer in Charge "K" Division, marked to the attention of the Criminal Operations Branch.

It is not clear whether Inspector Kary told Sgt. Shaw his suspicions. In any event, on February 16, 1992 he did instruct the B.C. Handlers in a telex as follows:

> "Please investigate complaint of threat received by [Mrs. Glambeck] to ascertain if it was real or fabricated. Obtain statement from complainant and attempt to verify/disprove same. If you determine a threat exists further action will be required.
>
> Exhibit 2, pages 308 and 305

Inspector Kary may have planted the seed of suspicion which was later to germinate in the minds of the B.C. handlers. At least until February 19, 1992 they appear to have accepted the reported threat as genuine.

Notwithstanding the suspicion of complaint fabrication, no evidence was presented to us of any consideration by Inspector Kary or anyone in the RCMP as to whether Mrs. Glambeck's complaint (if it were false) might be an indication of discontent, distrust, dislike or any other motivating factor which if left unchecked might lead to problems for the RCMP - problems which could include reducing the RCMP's ability to adequately protect Mrs. Glambeck and her family. Again, it was perhaps premature to form any hypothesis on the basis of the evidence available in February 1988. It may not have been possible at that time to do as we have done in hindsight, namely to seek a link between the "arson" complaint of December 29, 1987 and the "threatening call" complaint of February 13, 1988.

By the end of February 1988, Mrs. Glambeck's lawyer, Mr. Reuter, and the RCMP had worked out an agreement. By its terms, Mrs. Glambeck could accept the $40,000 award offered by the RCMP without prejudice to her legal rights. Two $1,000 advance payments on the award were made, one in late February and the other March 4, 1988.

Corporal Doll and Sergeant Michael Humphries both testified that Mrs. Glambeck was advised by her handlers not to be too hasty to spend her award money and that she should put it into the bank to earn interest while she considered how best to use it. Mr. & Mrs. Glambeck both deny such advice was given. Be that as it may, the alleged advice was of so rudimentary a character that we can and do find that Mrs. Glambeck was neither offered nor given any expert financial advice by the RCMP with respect to the use of her award money.

That of course raises the question, why should the RCMP give financial advice to people to whom it pays awards? The general answer so far as this Commission is concerned is that the RCMP have no obligation to give financial advice to recipients of awards.

We asked ourselves whether there is a difference in a situation where:

a. the recipient has been relocated for her own protection to a new community;

b. the recipient has shown that she is a poor money manager,

c. the recipient has previously asked for assistance and business advice;

d. the use or misuse of the money might affect or compromise the efforts of the RCMP to protect the recipient if she remains in the Witness Protection Program.

We are of the view that no general obligation should be imposed on the RCMP to assist an award recipient to obtain expert business or financial advice. In certain situations where that advice is requested, it may be prudent for the RCMP to offer to obtain such advice. The requirement to make such an offer should only arise where the use or misuse of the award money might adversely affect or compromise the efforts of the RCMP to protect the recipient.

Mrs. Glambeck used her award money to purchase a new car, to buy equipment for her business and to make leasehold improvements to the commercial premises she leased for the business. By the time she received the award, it appears the only financial advice she wanted was her own.

The Commission heard certain evidence in camera with respect to the nature of the business Mrs. Glambeck established. That business will not be described in this report because it is sufficiently unusual that to describe it might indirectly identify the B.C. Location and thus even now compromise Mrs. Glambeck's security.

For a time, the business absorbed much of Mrs. Glambeck's attention and energies. She made efforts to promote it. One of those efforts was to be interviewed by a reporter. This interview resulted in the publication of a newspaper article and a photograph of Mrs. Glambeck's face. Another such effort was the granting of an interview which was aired on the radio and broadcast Mrs. Glambeck's distinctive voice and a Spanish accent.

Both of these initiatives raised concerns with Mrs. Glambeck's handlers. The B.C. Location was not isolated. Sergeant Michael Humphries expressed his legitimate fears for Mrs. Glambeck's safety and cautioned her to maintain a low profile.

Those fears were all the more reasonable when considered in the context of threats which Mrs. Glambeck continued to report to her handlers.

On July 20, 1988, a month before Mrs. Glambeck submitted to the promotional newspaper interview, she reported a second threatening telephone call. The caller was allegedly female and had contacted her at her place of business. Mrs. Glambeck reported that the caller had used her new name and had said:

> "________________ we know where you are and you are dead."

She said she did not recognize the caller's voice.

Sergeant Michael Humphries reported Mrs. Glambeck's complaint to the Source Witness Co-ordinator for B.C. A tracer capable of identifying the source of any incoming call made within B.C. was placed on Mrs. Glambeck's telephone.

By the next day, Mrs. Glambeck's recollection had been revisited and revised. She told Sergeant Michael Humphries that in fact the caller had used her former name.

Sgt. Humphries did not immediately pass judgment with respect to the bona fides of the complaint. While he reported Mrs. Glambeck's revised recollection to his superiors, he did so without comment.

The report of the threatening call travelled through the RCMP chain of command with commendable rapidity. By the end of the day (July 20, 1988) it had made its way to the Officer in Command of "E" Division. By the middle of the next day, Superintendent Puliot of the Drug Enforcement Directorate had been alerted.

Despite the scepticism in the upper echelons of the RCMP as to the bona fides of the threatening call which was expressed in the exchange of messages placed in evidence before us, a complete investigation and precautionary measures were unhesitatingly ordered. There is nothing in the record to indicate that the RCMP failed in any way to take the appropriate steps to safeguard Mrs. Glambeck and her family as a result of this threat.

In her own evidence to this Commission, Mrs. Glambeck conceded that she was satisfied with the steps taken by the RCMP to investigate her July 20, 1988 complaint. She raised no concern that she should have been relocated from the B.C. Location so as to ensure her safety as a result of the July 20, 1988 threatening telephone call. We agree with Mrs. Glambeck. We are satisfied that the call complained of did not necessitate a further relocation of the Glambecks so as to ensure their safety.

By late July 1988, it is evident that at the command level in "E" and "K" Divisions and at RCMP headquarters in Ottawa, RCMP officers were beginning to look at Mrs. Glambeck's security complaints as linked to her dissatisfaction with her award and with the RCMP generally. In his July 20 message to the officer in charger of D.I.F.O. "E" Division, C/Superintendent Holmes wrote:

> "3. ___________has been a difficult source to handle in the past and with his/her manipulative nature, I expect this trend to continue...
>
> 4. Further relocation will not prevent _______from continuing efforts to obtain further financial assistance nor will it negate any real or perceived threat given the history of this source.
>
> Exhibit 2, page 354

What is absent at this stage however is any discussion of whether Mrs. Glambeck's manipulative nature coupled with her dissatisfaction could be expected to cause or contribute to further difficulties in her relocation to B.C. for the purposes of ensuring her safety.

There is no doubt that by July 20, 1988 C/Superintendent Holmes foresaw some calamity on the horizon. In paragraph 5 of the same memo, he predicted:

> "5. In my view the Force will eventually be forced to make a stand and refuse further assistance. It may be difficult for all concerned but I would rather air this problem now than continue to wait for it to come to a head."

Exhibit 2, page 355

At 9:00 a.m. on July 29, 1988, Mrs. Glambeck contacted the subdivision office of the RCMP at the B.C. Location to report that a threatening note had been pushed through the mail slot in the door of her business premises. Sergeant Michael Humphries was not on duty. Mrs. Glambeck complains that Sergeant Michael Humphries took some six hours to respond to her complaint. We do not find this to be the case. On this point we have the benefit of Sergeant Michael Humphries' evidence and of his notes taken at the time. We are satisfied on all of the evidence that Sergeant Michael Humphries received word of Mrs. Glambeck's complaint at 9:30 a.m. and that he responded within a reasonable time and that within approximately an hour of his having been informed of the complaint, he had attended the subdivision office, picked up Cpl. Fergus Rodine to assist him and had arrived at Mrs. Glambeck's business premises, the scene of the crime. There he seized the note marking the time of seizure as 10:30 a.m.

The note made from newspaper headlines pasted onto a sheet of white paper read:

> MARCELA YOU WILL DIE SOON.

Unless the note had been made up and placed in the mail slot by Mrs. Glambeck herself (a hypothesis to which the RCMP would later subscribe), it must have been a most distressing message to have received. In such distressing circumstances we can well understand and appreciate that an interval of an hour between the discovery of such a threat and the arrival of the police might seem like an eternity.

We can find no fault with Sergeant Michael Humphries for arriving at Mrs. Glambeck's business premises within an hour of his having been alerted. Nor can we conclude that the investigation of the note which he initiated and coordinated was of an inferior standard. We find as a fact that Sergeant Michael Humphries confronted Mrs. Glambeck with his professional doubts as to the authenticity of the threat and the note.

We are of the view that Mrs. Glambeck's anger with Sergeant Michael Humphries arose out of his expression of scepticism and not out of his tardy arrival at her place of business.

Sergeant Michael Humphries told the Glambecks he wanted them to take polygraph tests. They initially agreed. On consulting with their B.C. lawyer, Mr. B. Mackinnon, they declined to take the tests. We draw no conclusions from their failure to take polygraph tests. Some lawyers advise against taking such tests in all cases and for a variety of reasons. The fact remains however that the Glambecks were and remained suspects in the threatening note incident.

By the time he had assessed the threatening note incident, Sergeant Michael Humphries began to look at the Glambecks' security complaints as a piece. He was concerned about their authenticity. What if the complaints were unfounded? What if the Glambecks were fabricating them? Sergeant Michael Humphries recognized the Glambeck business was beginning to fail. He began to consider the complaints as not genuine and as attention getting devices. If the complaints were fabricated, perhaps they were building blocks Mrs. Glambeck was assembling as the foundation for a claim for further assistance from the RCMP. At the time he does not seem to have considered them as the possible basis for a claim for further relocation.

There were some earlier indications however that the B.C. Location was not what the Glambecks had hoped it would be. In a conversation which predated the threatening phone calls, Mrs. Glambeck told Corporal Doll that "the B.C. Location was dead". In his evidence he said to this Commission.

> "...my view is that she felt that there wasn't enough going on, that it was just a dead location."
>
> Transcript, pp. 6605-6.

Corporal Doll also told the Commission that on three or four occasions between November 9, 1987 and July 19, 1988, Mrs. Glambeck provided him with drug intelligence which he declined to use for fear of jeopardizing her security. He tried to explain to her why the kind of information she had formerly provided to the RCMP was no longer her responsibility to provide:

> "I told her we were not really interested in the information she was supplying. Our concern with her was her security within our location and anything, any of this information that she provided may jeopardize her security, and I did not solicit it or actively investigate any of the information she had provided."
>
> Transcript pp. 6639-40

F2

So Mrs. Glambeck whose life had been turned around by her Edmonton "K" Division handlers got the message in the B.C. Location that she was no longer useful to the RCMP.

Corporal Doll remained Mrs. Glambeck's shoulder to cry on. It was to Corporal Doll that she confided that her husband had psychiatric problems. Married to a nurse, he was in a position to make discreet enquiries on her behalf and he gave her the name of a reputable psychiatrist (transcript p. 6606).

It seems to this Commission unfortunate that the "type of pattern" upon which Sergeant Michael Humphries was speculating in late July 1988 and the observations of Corporal Doll referred to here were not brought together for any examination and assessment and to assist the RCMP to help the Glambecks in ways which might have made their relocation more satisfactory and their security easier to ensure. We must assume that the handlers and the source protection coordinator had no protocol for pooling and reading their accumulated observations respecting relocated witnesses.

Through the fall of 1988 and the early winter of 1989 Mrs. Glambeck's business continued to fail and the Glambecks' financial position became quite desperate. The interviews and photographic opportunity she provided were but overtures of what was to come. The 1988 contacts with the press were to draw attention and commerce to her business. By January 1989 she began to make use of the press to draw attention to her plight and what she considered to be unjust treatment by the RCMP. In doing so, she took risks with her own safety and security and that of her family. If the threats she claims to have received were genuine, the risks she took were unreasonable.

On January 5, 1989, Mrs. Glambeck appeared on BCTV and revealed the nature and details of her dispute with the RCMP. Her image and voice were distorted but the local nature of the interview made it plain that she was living somewhere in the province.

By late February 1989 Mrs. Glambeck's business was in desperate straits. Bill collectors were at the door. She advised Sergeant Michael Humphries that if she was forced into the courts in debt proceedings, she would publicly reveal that she was in the Witness Protection Program. He cautioned her with respect to her safety and advised his superiors in RCMP headquarters in Ottawa.

Inspector Barszczewski reported that Mrs. Glambeck had shown disregard for her security measures. He appears to have analyzed the situation as being one founded in manipulation by Mrs. Glambeck. We agreed that in most of her dealings, Mrs. Glambeck was trying to manipulate the RCMP. However, we see no evidence that the RCMP attempted to come to grips with the desperate circumstances into which the

Glambecks had fallen (albeit by their own decisions and inability to manager their affairs) and the jeopardy that desperation could contribute to compromising the security measures in place.

By May 5, 1989, "things came to a head" as C/Superintendent Holmes had prophesied in July of 1988. On that day Mrs. Glambeck contacted Sergeant Michael Humphries. She told him she had no money for food or to pay for rent. She said somebody was watching her. She threatened a public suicide in front of the police station following a press announcement.

Sergeant Michael Humphries contacted his superiors. A meeting was arranged with Mrs. Glambeck for May 12, 1989 at a hotel in the B.C. Location. Present were Mrs. Glambeck, Corporal Jordan and Corporal Dobrowolski, the "E" Division Source Witness Protection Coordinator. Prior to the meeting, the RCMP had decided that a five point formal and final RCMP position would be delivered to Mrs. Glambeck.

The meeting was taped and we had the advantage of reviewing the transcript of that tape, portions of which are inaudible. It indicated to us that the relationship between Mrs. Glambeck and the RCMP was in tatters.

The position the RCMP officers were instructed by their superiors to deliver on May 12, 1989 was as follows:

1. It is to be made abundantly clear to _____that the RCMP will not be providing any further compensation for services related to the Edmonton investigations.
2. That unless there is evidence to the contrary, the relocation site is considered secure and that no further relocation measures will be entertained at this time.
3. That no further maintenance can or will be paid to ________and dependants regardless or her present financial situation.
4. The RCMP remains prepared to assist _________with securing any/all social services which are available to all Canadians. This is in the event that _____has difficulty doing so as a result of the relocation/name change. In this regard, ___________should be encouraged to seek professional help with her finances; psychological assistance, etc...at the earliest opportunity.
5. That the RCMP will continue to provide a 24 hrs. emergency "contact" person(s) to respond to any threats and take whatever other security measures necessary to ensure her security at the present relocation site."

Exhibit 2, p. 477-8

In addition to delivering the position, Corporal Dobrowolski took information from Mrs. Glambeck and had her complete a form so that foreign travel documents could be obtained in her new name.

Mrs. Glambeck was upset at the meeting. She repeated her threat to reveal her circumstances publicly. Her suicide threat was apparently repeated but with less urgency. The officers, particularly Corporal Jordan, urged her to get on with her life.

We do not find that the RCMP or Sergeant Michael Humphries in particular withdrew or compromised Mrs. Glambeck's security on May 12, 1989. Nor do we find that the RCMP refusal to relocate Mrs. Glambeck from the B.C. Location at that time or in the days preceding was a failure to ensure her safety.

We find that in the days and months which followed May 12, 1989 the RCMP continued to provide for Mrs. Glambeck's security to the diminishing extent that she would allow it and contribute to it.

As time went on, Mrs. Glambeck and her husband exposed themselves more and more to the public. They gave interviews to journalists. They began a protest walk across Canada. They demonstrated before the House of Commons in Ottawa with paper bags over their heads. They talked to politicians about their claims against the RCMP. In one interview, Mrs. Glambeck betrayed the name of her handler Sergeant Michael Humphries.

As the Glambecks increasingly exposed themselves so the ability of the RCMP to effectively ensure their safety diminished. Security requires cooperation between the source witness and the security agency. That cooperation was withdrawn by Mrs. Glambeck over time and particularly after May 12, 1989.

As to whether Sergeant Michael Humphries did or failed to do anything, he ought to have done so as to relocate Mrs. Glambeck so as to ensure her safety, we are satisfied on all of the evidence that he met the high standards of conduct and professionalism the Canadian public demands of the RCMP, and that he in no way compromised the safety and continuing security of Mrs. Glambeck and her family.

On May 29, 1989 Mrs. Glambeck phoned Sergeant Michael Humphries while she was on her way home from Ottawa. In a conversation which she herself recorded, Mrs. Glambeck stated "I have no complaints against you Mike at all". She said as much under cross-examination by Sergeant Michael Humphries' counsel. Her own counsel summed up her position in terms that left this Commission in no doubt that her position remained as she had stated it on May 29, 1989.

Indeed, Mrs. Glambeck's naming of Sergeant Michael Humphries does not appear to have been based on any allegations that he mistreated her and her family while they were in the Witness Protection Program or that he failed to relocate Mrs. Glambeck so as to ensure her safety or that he acted or failed to act in any way which compromised her safety.

During the course of the Inquiry, Sergeant Michael Humphries' counsel argued we should dismiss the complaint against him before the conclusion of the Inquiry. But for our initial instructions from the Chairman of this Commission, we might have been able to do so.

Sergeant Michael Humphries sat with patience through our entire proceedings. He was concerned that we have his evidence that he had treated Mrs. Glambeck professionally and courteously. We accept that evidence and find that he did so.

We find therefore that there is no basis for Mrs. Glambeck's complaint against Sergeant Michael Humphries and without further comment, we dismiss it.

As for Corporal Jordan, we find his involvement in Mrs. Glambeck's relocation and protection to have been minimal and we find no evidence that he failed in any way to relocate her so as to ensure her safety. We dismiss this complaint against him as well.

WHAT WENT WRONG

If no wrong was done by any of the named officers in the handling of informant/agent and source witness Marcela Glambeck, what went wrong with the Glambeck case? Because, let us be clear, something did go very wrong in this case. Some of the blame for that may be laid at the door of Mrs. Glambeck, but by no means all of it can or should.

Experienced police officers appeared before us. Among them, Superintendent Pouliot, Inspector Barczczewski and Inspector Kary. They had obviously given the Glambeck case a great deal of thought. They have had time to assess the case and to use it as the basis for policy review. Since Mrs. Glambeck was recruited and since she entered the Witness Relocation and Protection Programs, much has been done to change and improve the RCMP policy with respect to the provision of awards and the protection and relocation of source witnesses.

Recommendations were made to us by our Commission Counsel. A number of these were endorsed by counsel for the designated member of the RCMP. We append those recommendations to our report and we propose to act as a conduit through which they can be provided to the public and to the RCMP Public Complaints Commission Chairman and to the Commissioner of the RCMP. To the extent that counsel for the designated member of the RCMP has adopted those recommendations, we can safely assume these are already satisfactory to the Commissioner of the RCMP and will be implemented.

We believe this Commission can best be of service by providing a lay analysis of what may have gone wrong and to conclude with a few simple and general recommendations which may be helpful.

When Mrs. Glambeck was recruited, she was a drug dealer. She and her husband lived off the avails of the illicit trade in cocaine. At the time she was recruited, the Glambecks had little other visible source of income. They lived by their wits. They were well connected with South American drug traffickers. Their friends including a heroin addict with a problem with bike gang members. Both were using drugs as well.

There was a temptation and some seasoned RCMP officers succumbed to it to consider that Mrs. Glambeck was "nothing but a drug dealer." That in our view was a mistake. Indeed, nothing could be farther from the truth.

In addition to being involved in criminal activity, Mrs. Glambeck was resilient, resourceful, intelligent and courageous. In the words of Constable Secord, she was a survivor. She was likeable. She was a team player. She delivered the goods.

What is more significant is that she became a convert. We heard her evidence that Rick Jordan turned her life around. We believe that to be true and from his point of view, Mrs. Glambeck was the best agent he'd ever worked with.

In a few hectic and for Mrs. Glambeck, heady months, she helped bring to justice two major groups of cocaine traffickers. In that time the police had become her colleagues, her friends and her protectors. When she needed money they had it. When she did well, they rewarded her. When things became dangerous for her, they were nearby in plain clothes to protect her, listening to her conversations and on her farmhouse doorstep helping. Without question, Mrs. Glambeck trusted the RCMP. And when they said she had to be relocated for her own safety, she and her family went where they sent her.

In Lethbridge, everything was different. Nobody had really prepared her for that. There were no more interesting and demanding assignments. She wasn't part of anyone's team.

She had almost no contact with the officers with whom she had worked, the ones who had turned her life around. The officers assigned to her in Lethbridge, an unfamiliar city provided her with "welfare", paid her bills and acted as babysitters. Not only did she have no status with the RCMP, she didn't even have a provable identity.

She couldn't work. She was discouraged from going to school. Time and a depressed husband hung heavy on her hands.

Little things came up which pitted her against the RCMP bureaucracy. She was admonished for compromising her security but she wasn't briefed on cover stories, histories or ways to avoid drawing attention to herself. She gained weight. It must have seemed an eternity before the first case came to preliminary and to trial.

With the police handlers watching out for her, Mrs. Glambeck couldn't even return to her illegal drug trafficking had she been so inclined. When she found a telephone meat sales business that attracted her, allegations of fraud brought against one of the proprietors put paid to that possibility.

Mrs. Glambeck began to see the failure of the RCMP to deliver on its promise as a form of betrayal. When informed of the Mitchell case, she drew parallels. When presented with a draft letter of acknowledgment, she read into it that the RCMP might reconsider their promise not to prosecute her for her 1985 cocaine trafficking activities.

Nobody in the RCMP tried to assess what the let down after Mrs. Glambeck's brief involvement with a couple of police investigations was doing to this active and resourceful person. Her handlers and source protection coordinator assessed her needs as material only and pronounced them satisfied. They declared to Mrs. Glambeck and to one another that she'd "never had it so good".

They failed to take into consideration that Mrs. Glambeck had enjoyed "the Great Game" and that there was no longer a substitute for it in her life. She was rapidly becoming the disaffected agent, the spy left out in the cold.

Whether they liked Mrs. Glambeck any more or whether they had ever really liked her, is not the point. We know they needed her evidence. But even that is not the point. The point is that as she became more disaffected, Mrs. Glambeck was becoming a liability and the RCMP did not recognize it until it became too late to do anything about it.

The move to the B.C. Location provided some respite, a brief honeymoon and some new faces above the collars of the uniforms. But it did not come to grips with the problem.

In the B.C. Location, among other things, Mrs. Glambeck attempted to again become an informant. Her attempts were gently but firmly repulsed by Corporal Doll.

Mrs. Glambeck tried to get into business on her own and at a time when her enthusiasm for the B.C. Location was still intact. The RCMP was unable or unwilling to find a way to encourage and help her before that enthusiasm declined.

Maybe Mrs. Glambeck was a poor choice as an active agent. There is little about her that is unremarkable. She enjoys the limelight. She doesn't submit to anonymity gracefully. Even her proposed suicide was to have been a spectacular media event.

There is no evidence that any discussion took place or that an assessment was made respecting the effect on the Glambecks of being relocated, of changing identities, of waiting for months or years before being able to return to what to them were normal lives. Nor is there any evidence of any attempt at counselling the Glambecks with respect to what they perceived as problems being experienced in the Witness Protection Program.

The RCMP should have anticipated some of these problems. By the time she had to be relocated, Mrs. Glambeck was a known quantity. An assessment of her needs as a relocated witness could have been comprehensively evaluated in May and June of 1986. Her husband was known to suffer from depression. Sgt. Shaw had reported as much. The importance of relocating them to one of the communities they had identified seems not to have been looked at to determine whether it was important. The suitability of

Lethbridge and the B.C. Location could have been looked at to assess whether either location could have reasonably provided for Mr. & Mrs. Glambeck's social, business and employment needs. No such analysis seems to have been attempted.

We have been made aware that when Mrs. Glambeck was recruited as a source witness, the RCMP Witness Protection Program was not yet developed. We are also aware that the program was developing while she was a part of it. The RCMP had only just begun to examine a well established U.S. Marshall's program in the United States.

Key problems appear to have gone unrecognized in the Glambeck case. Officers with responsibilities to observe and assist or "handle" the Glambecks could have benefited from training and consultation with experience officers who had been involved in this type of police work. The adjustment required of the Glambecks to life in a new community under the scrutiny of the police was not adequately or effectively evaluated. Stress indicators either went unrecognized or were not seen as potential signs of maladjustment to relocation and as wilful threats to security. Where others might have said the underpinnings of the Glambecks' lives had been removed, the RCMP response was in part "you never had it so good."

If we were satisfied that the evolution of the Witness Protection Program had caught up to and overtaken the concerns the Glambeck case raises, we would have no recommendations. If the approach taken by the RCMP today met all of the concerns which were identified to us in this inquiry, we would have nothing more to say. That is not to imply that the RCMP have taken a self-satisfied approach to witness relocation and protection at any time since it was identified as an issue to be dealt with. Quite the contrary is true. We have had the benefit of the thoughtful and thought provoking evidence of Superintendent Pouliot, Inspector Kary and Inspector Barczczewski --- all experienced policemen and RCMP policy makers.

However, particularly in drug enforcement police work, the use of civilian Police agents is as we have been told a regular occurrence and an investigative necessity. And the need to use agents is increasing as the requirement to enforce our drug laws expands and remains a high policing priority. The requirement to relocate and protect witnesses as part of the RCMP drug enforcement responsibility can only grow and become both more costly and increasingly complex.

With those things in mind, we are prepared to make some recommendations. In making them, we recognize our own lack of expertise. However, we recognize as well that policing, including witness relocation and protection, is a public responsibility which is taken on for us all by the RCMP as the senior and national policing agency in Canada. Our views and recommendations therefore as citizens and as members of the RCMP

Public Complaints Commission may be of value as providing an outside and disinterested contribution to the development of this important aspect of police work.

We recognize that the Witness Protection Program was in its infancy when the Glambecks were first relocated. We know and acknowledge that much has been done since to develop and improve it. We commend the RCMP for taking the initiatives they have already taken and those recommendations of Commission Counsel which the RCMP has itself adopted through counsel at the conclusion of these proceedings. With that as prelude, we offer the following modest recommendations.

RECOMMENDATIONS

1. RCMP officers involved with informants, agents and source witnesses should be trained and encouraged to recognize that although most of these people have criminal histories, that it is not productive merely to label them criminals whatever their backgrounds. Most will be complex individuals whose recruitment and involvement in police work and relocation and protection will challenge the most innovative and experienced police officers.

2. The RCMP should analyze the relocation and re-establishment potential of informants and agents from the time when it becomes apparent that exposure of the source is likely and danger probable.

3. The RCMP should in each case involving the likely relocation of a source witness, conduct a risk analysis for the purpose of determining, among other things, whether it will likely be impossible, costly or difficult to relocate and protect the source witness. The assessment of the relocatability and protectability should, whenever possible, be made prior to the decision to expose the source's identity.

4. Where the RCMP assess the source as probably difficult to protect or relocate, the source should be so informed before being exposed. At that point an informed decision should be made jointly by the source and the RCMP as to whether the source should be exposed. Until that decision is made, further risks of exposing the source's identity should be suspended. If the source, having been informed of the risk analysis agrees notwithstanding to be exposed, and provided the RCMP are prepared to proceed with the investigation involving the source, then the RCMP and the source should document their understanding and agreement that the Source Witness Protection Program will not be available and that at best the source can expect the award referred to in letters of acknowledgment and a one way ticket to a place of his or her reasonable choosing.

5. Where a source witness must be protected and relocated, RCMP should recognize and ensure the source witness also recognizes that obligations arise on the part of both the police and the witness. These obligations should be discussed and set down in writing for review by both the source witness and the RCMP as early as possible, to be clarified, amended and agreed upon in writing.

6. The relocation preferences of the source witness should be a factor in selecting an appropriate relocation destination.

7. The lifestyle, habits, talents, problems, family needs and connections of a source witness should be factors in selecting an appropriate relocation destination.

8. Relocation of a source witness to a community where the witness cannot or will not function and in which she is unlikely to re-establish herself should be seen as a potential threat to witness safety. The community of choice should be "analyzed" to determine its suitability on the basis of relevant criteria.

9. Witnesses must be provided with at least temporary identity documents immediately upon being relocated and assigned a new identity.

10. Where protocols do not exist with other governments and agencies for the secure provision of permanent new identity documents, those should be developed on a priority basis.

11. Witnesses and their families should be instructed and encouraged to develop reasonable histories and cover stories and where appropriate scholastic and employment "records" which they may require to function as "new people" in their communities of relocation. Such instructions may in some cases have to be periodic or ongoing. It may have to include extended families in certain situations, particularly when those family members have been left behind.

12. To the extent possible, source witnesses should be encouraged to approach their relocation, the establishment of their new identities and integration into their new communities as work projects to be undertaken jointly by themselves and the RCMP as members of a team. If witnesses and their handlers take such an approach, the relationships which were previously established between them as agents and handlers during police investigations may be built on and in some cases, the talents which the source witnesses earlier brought to investigations may be rechannelled into an active partnership to protect the source witnesses' safety and security.

13. Witnesses may be confined to their dwellings and neighbourhoods, discouraged from associating with others and from seeking work, all in the interests of their safety and security. In such cases, counselling should be made available to assist source witnesses and their families to cope with the psychological, emotional and other problems which are often associated with boredom, loneliness, identity, fears and dependency.

14. The RCMP should assess and re-assess the effects and problems associated with source witnesses being constantly under the watchful and protective eye of the police and to recognize this as a factor which may inhibit or prevent the return of a relocated witness into society.

15. Whenever a witness must return to a former identity in order to participate in judicial proceedings connected with police agency work, the RCMP should brief and physically search the witness to ensure to the extent possible, that the witness does not inadvertently betray her new identity or place of residence.

16. Source witness needs and circumstances will change. Only some of the changes will be reasonably foreseeable. RCMP handlers should be trained to recognize the indicators of these changing needs and circumstances so that the RCMP and the source witnesses and their families will be able to react adjust and respond to those changes.

17. Where the employment or involvement of a source witness in business is not inconsistent with her safety and security, a witness should be encouraged to seek employment or to become involved in business. In appropriate circumstances, witnesses should be assisted either directly or indirectly by the RCMP to find work or to obtain business advice in their new community.

18. The RCMP should recognize that some source witnesses have poor or non-existent employment histories, few job or business skills and little or no job motivation.

19. Wherever possible the RCMP should review the work histories and assess the employability and business aptitude of agents prior to exposing their identities so that the estimated costs of indefinite or long term maintenance can be factored into the public cost and cost effectiveness of using or continuing to use the source as an agent and later as a source witness.

20. Family, mental health and psychological counselling as well as psychiatric help should be made available to relocated witnesses on an as needed basis. That counselling should be provided by professionals with suitable security clearance but who are not regularly associated with or engaged by the RCMP to ensure counsellor/patient confidentiality and to increase the likelihood that such counselling will be requested or accepted as necessary.

Since a psychologically strong person is better able to contribute to his or her own safety and security needs, this counselling should, where expenses are to be incurred, be the financial responsibility of the public and paid for on our behalf by the RCMP.

21. Where all reasonable attempts have been made to provide for the relocation and security of a source witness and have failed because the witness will not or cannot assist or has frustrated the security measures taken by the RCMP, all but the

normal police protection afforded to residents of Canada may have to be withdrawn. In such cases, notice should first be given to the source witness and her family members. If terms can be worked out during the notice period to continue the special security then that should, where circumstances permit, be attempted for a reasonable "probationary period" before special security measures are permanently withdrawn.

APPENDIX

SUMMARY OF PROPOSED RECOMMENDATIONS BY COMMISSION COUNSEL

In her final submissions to the Commission, counsel for the RCMP Suzanne Frost said:

> "There is no question the Appropriate Officer agrees that some of Commission Counsel's suggested recommendations are reasonable ones and I have indicated where this is so. In many cases issues are raised which have already been given serious consideration by the RCMP and may well be desirable to suggest for future amendments to the program but the major factor limiting implementation of any desirable change to the Witness Program at this time is a profound lack of financial resources." (Transcript, p. 8442)

Having heard that submission and being aware of the fiscal caveat which forms a part of it, we believe it useful to set out in our report those recommendations made by Commission Counsel which are supported or unopposed by the RCMP as well as those which at the time of final argument were not accepted. Accordingly, each of the recommendations made by Commission Counsel will be followed by the RCMP comment made to us by counsel for the Appropriate Officer. We have taken the view that where a recommendation is supported, unopposed or either of those subject to resource availability, we should and do, adopt it as our own. Our separate recommendations are found elsewhere in this report.

In consequence of the submissions detailed in Part "J" hereof, it is respectfully submitted that on the evidence in this case:

1. the Commission should recommend that:

   (a) Source Witness Coordinators be provided with specific written direction as to what information is to be communicated by them to relocation candidates upon a candidate's entry to a relocation situation under the Witness Protection Program, and that the types of information to be communicated by such Coordinators include, at least, the information set out in paragraphs 5 and 13 of Part "J" hereof;

Paragraph 5:

Thus, in the relevant years, there was nothing in place for Coordinators which stipulated or suggested what relocation candidates should be told regarding:

(a) what to do if someone from their past encountered them;
(b) what to do if the media approached them;
(c) what to do if someone attempted to take their photograph;
(d) how to maintain a low profile and what that would mean in a practical sense;
(e) how to deal with possible psychological strain and emotional stress that might be experienced;
(f) how not to attract attention to themselves;
(g) how to establish a cover story or a history to be told to neighbours or shopkeepers, for example, who in the normal course of daily life would be encountered;
(h) how to handle questions specifically from neighbours and others about their past; and
(i) how generally to conduct themselves while in the relocation situation.

(Transcript, Volume 25, pages 5567 to 5569 [Barszczewski]; Volume 33, pages 7530 to 7531 [Kary] and pages 5726 to 5729; pages 5731 to 5732; pages 5881 to 5883 [Barszczewski])

Paragraph 13

Kary confirmed in his evidence that it was his view that it would be useful to have in place in some recorded written form either requirements or suggestions as to what handlers should tell relocated persons on a variety of issues, including: as to what to do if someone from the past encountered them or if the media or others approached them to take their photograph; as to how to maintain a low profile in a practical sense, with suggestions as to how that might be accomplished; as to how to be alert to possible signs of strain in the context of marital, emotional and psychological conditions and what to do if those strains emerge; how not to attract attention to themselves; what to do if enquiries are made by neighbours or third parties of any kind regarding their background; how to establish a cover story or a history that could be put forward in the face of those kinds of enquiries; and how to handle themselves generally while in the relocation program so as to not attract undue attention to themselves and so as to maintain their security.

(Transcript, Volume 33, pages 7544 to 7546 [Kary])

COMMENT BY RCMP COUNSEL:

Adopted in part (Transcript p. 8413)

(b) the draft manual and proposed training program now being developed by Headquarters for handlers specifically identify the types of information that handlers should communicate to relocated persons upon the arrival of a relocation candidate to a relocation area and throughout the relocation period, and that such information include, at least, the information set out in paragraphs 5 and 13 of Part "J" hereof; and

COMMENT BY RCMP COUNSEL:

Adopted but recommends this information be provided to relocated witnesses at a pre-screening interview before the use of an agent or informant is undertaken. And if the potential agent's concerns could not be resolved, a recommendation might suggest a consideration then be given to not using them for an operation. (Transcript, p. 8414)

(c) both Coordinators and handlers involved in the supervision and care of relocated persons receive specific training on problem matters likely to arise during the course of a relocation and that they be provided with written guidance and suggestions by the Source Witness Protection Unit in Ottawa, or its successor, as to how to handle such problem matters, including as to what information to offer relocated persons concerning such problems.

COMMENT BY RCMP COUNSEL:

No dispute however, recommendation should include that financial resources be made available to the RCMP that would make that training possible. (Transcript, p. 8414)

2. the Commission should recommend that:

(a) appropriate mechanisms be introduced within the RCMP so as to require Coordinators to record in writing or on tape the briefings given to relocation candidates upon entry to the relocation program;

COMMENT BY RCMP COUNSEL:

Not opposed. RCMP position "...this would be desirable and useful particularly in the event of subsequent challenges to Letters of Acknowledgment." (Transcript, p. 8415)

(b) RCMP policy require such records to be preserved so long as the relocated person remains within the Program and for a stipulated time period thereafter; and

COMMENT BY RCMP COUNSEL:

...it's our submission that whatever retention period is appropriate for such a record is probably better left to the RCMP...Sufficient for commission to recommend they be retained for an appropriate period. (Transcript, p. 8414-5)

(c) appropriate mechanisms be introduced within the RCMP requiring Coordinators to report back to RCMP headquarters as to the content and scope of briefings provided to relocation candidates on entry to the Program.

COMMENT BY RCMP COUNSEL:

May be unnecessary. Such [reporting] mechanisms already exist. If such a recommendation is made it should be to report back to RCMP headquarters as appropriate. (Transcript, p. 8415-8516)

3. the Commission should recommend that RCMP policy and training for both Coordinators and handlers be revised so as specifically to:

(a) provide guidance and establish procedures on appropriate ways in which to be alert to, and to detect where possible, stress indicators in relocated persons (however caused);

(b) identify measures to be taken in the event that such indicators are observed or suspected;

(c) stipulate and identify qualified resource personnel available within the RCMP and/or existent social agencies from which assistance may be sought by Coordinators and handlers to deal with such issues; and

(d) stipulate and identify those qualified persons and agencies to whom relocated persons might be directed in order to obtain appropriated counselling.

COMMENT BY RCMP COUNSEL:

Outside the mandate of the Commission...however if such recommendation were to be made RCMP agree that "handlers should be alert where possible to stress indicators" is language that should be retained. (Transcript, p. 8417-8418)

4. the Commission should recommend that RCMP policy and procedures pertaining to the Witness Protection Program should specifically require that handlers in a relocation community orient relocated sources to their new community by outlining available community services and, in particular, services relating to job counselling, job training, programs for the up-grading of skills in a vocational or educational context and,

in those circumstances where a relocated person expresses an intention or interest in establishing a business, those business counselling services available in the community.

> *COMMENT BY RCMP COUNSEL:*
>
> *Outside the Commission's mandate. However if such a recommendation were to be made the RCMP would ask that it be made clear whether the RCMP should provide these services or merely advise relocated persons where they might obtain them and if it is the Commission's view that the RCMP should be providing them...I would ask the Commission that funding be recommended to make this possible. (Transcript, p. 8420-22)*

5. the Commission should recommend that RCMP procedures be revised so as to facilitate the obtaining of a background profile on all persons entering the relocation program and, further, to require that such profiles, if obtained, be provided to handlers at the outset of any assignment involving the supervision or treatment of relocated persons and to Coordinators implementing and overseeing the relocation of a human source.

> *COMMENT BY RCMP COUNSEL:*
>
> *Not opposed. Present RCMP policy reflects the practice at this time (Transcript, p. 8422)*

6. the Commission should consider the advisability of recommending that RCMP policy be clarified for and, as clarified, communicated to members on the issue of

what discussions, if any, are permissible between members and human sources on the issue of compensation other than in the context of negotiating and settling the terms of a letter of acknowledgment pertaining to agent fees.

> *COMMENT BY RCMP COUNSEL:*
>
> *The [RCMP] does not oppose a recommendation in these terms. (Transcript, p. 8422-3)*

7. the Commission should consider the advisability of recommending that a clear distinction be drawn in policy statements of the RCMP between those statements which are mandatory in nature and those which are merely permissive and open to subjective and interpretation by members.

> *COMMENT BY RCMP COUNSEL:*
>
> *The [RCMP] does not oppose this but it submits that the distinction is already in RCMP Policy manuals. (Transcript, p. 8423)*

8. the Commission should recommend that:

    (a) Coordinators and handlers be provided by RCMP Headquarters with specific written direction and suggestions as to how relocated persons are to be encouraged to seek and obtain employment and as to the type of information that is to be provided to relocated persons in this regard by the Coordinators and handlers;

COMMENT BY RCMP COUNSEL:

Outside the mandate of the Commission as there was no failure alleged on the part of the RCMP which touches on this recommendation. (Transcript, p. 8426)

(b) Coordinators and handlers dealing with relocated persons be trained to make specific suggestions to relocated persons regarding job training opportunities, programs available in the relocation community for the upgrading of skills, the obtaining of educational qualifications, etc. and the existence of opportunities for professional counselling on the creation of businesses;

COMMENT BY RCMP COUNSEL:

On the question of whether all relocated witnesses should be encouraged to seek employment or assisted to do so...Commission should exercise some caution in this area since it could be argued that routinely requiring handlers to encourage all relocated persons to seek employment might in some cases have a negative effect on the relocated person's security. (Transcript, p. 8426)

(c) specific counselling be made available to relocated persons, through existing social agencies where possible, regarding means by which to seek employment in a new community;

COMMENT BY RCMP COUNSEL:

These are essentially the same issues raised in Recommendation #4 and consequently might be dealt with in the general recommendations. (Transcript, p. 8427)

(d) RCMP Headquarters make it clear in writing to Coordinators and handlers that they have a responsibility, as part of their supervisory role for relocated persons, to proactively encourage relocated persons under their supervision to seek and obtain employment and that this responsibility subsists until such time, if at all, that the relocated persons obtain stable and continuing employment;

COMMENT BY RCMP COUNSEL:

Any [such] recommendation should make it clear the RCMP has no obligation to provide employment counselling services, but rather to make the relocated person aware of the services available from social agencies in the area and possibly to facilitate the relocated person making contact with them...Again, that is an area in which some caution might be warranted since for the RCMP to act as a intermediary between a relocated person and a social agency might raise some security concerns of its own...If the Commission wishes to recommend that the RCMP should provide this *service...it ought to recommend extra resourcing to the RCMP to make such an undertaking possible. Any recommendation in this subject area and that raised in 8(e) should retain the language if and where possible. (Transcript, p. 8427)*

(e) RCMP Headquarters give consideration to the merits of requiring Coordinators and handlers to report to Headquarters, at defined and regular intervals, concerning the efforts made by the Coordinators and handlers to carry out their responsibility to encourage relocated persons to seek and obtain employment;

(f) the information and documentation provided by Coordinators and handlers to relocated persons emphasize the responsibility of the relocated person to seek and obtain employment and, in clear terms, state that failure to do so will jeopardize the source's continued participation in the Witness Protection Program; and

COMMENT BY RCMP COUNSEL:

Opposed...a recommendation of that nature would put the Commission in the position of recommending the RCMP practice extortion. (Transcript, p. 8429)

(g) Coordinators and handlers receive clear direction from Headquarters to initiate discussions with relocated persons regarding job-training opportunities and, in appropriate cases, to inform relocated persons that the reasonable costs of such training, pending completion of required court attendances may be paid by the RCMP.

COMMENT BY RCMP COUNSEL:

Any [such] recommendation should make it clear that RCMP financial support for job training of relocated witnesses ought only to be raised with the relocated person in appropriate circumstances...it would be financial and operatively unrealistic to require this to be done in all cases...Financial resources be provided to [the RCMP] which would make [this] possible. (Transcript, p. 8430)

9. the Commission should recommend that:

(a) consideration be given by RCMP Headquarters to identifying in writing for those personnel involved in the assessment of award proposals those operating principles or factors to be taken into account in formulating and evaluating such proposals; and

(b) the criteria identified under current RCMP policy as the factors to be taken into account by members in making submissions in support of their recommended agent fee proposals, be expanded to include certain of the general operating principles and factors which the evidence in this case established are taken into account at Headquarters in evaluating such proposals.

COMMENT BY RCMP COUNSEL:

Does not deal with the subject matter of the complaints nor with the conduct of the named member...should the Commission nonetheless consider a recommendation on this point, it is [the RCMP] submission that 9(a) and (b) could be combined into a general recommendation that policy be amended to include reference to all factors relevant to the assessment of an award both those presently in policy and those which have since arisen as additional relevant factors. The relevance of a source's motive in assisting the RCMP or of their recruitment circumstances which is discussed in paragraph 10(a) could be included in such a recommendation as well. The factors should not be weighted or ranked by the Commission as the circumstances of different operations are widely varied and that could unreasonably tie the hands of the RCMP in making appropriate awards. (Transcript, p. 8431)

10. the Commission should recommend that:

(a) RCMP Headquarters' personnel consider and clarify in writing for those persons involved at Headquarters in evaluating agent fee proposals and for members at large the relevance of a source's motive in cooperating with the RCMP and the relevance of recruitment circumstances to the establishment and approval of an appropriate award fee;

COMMENT BY RCMP COUNSEL:

Recruitment techniques are outside the jurisdiction of the Commission based on the retrospectivity decision. 10(a) [as presently stated] could form part of a recommendation under paragraph 9. (Transcript, p. 8432)

(b) RCMP Headquarters' personnel review the ethical considerations and practical law enforcement issues involved in the issue of appropriate conduct by RCMP investigators in the recruitment context and provide clarification in writing to members of the RCMP regarding those recruitment methods or techniques not regarded as permissable or appropriate; and

COMMENT BY RCMP COUNSEL:

Opposed as redundant. The RCMP submits that the ethical considerations have been made a matter of law in the RCMP Act, the Code of Conduct and common law. (Transcript, p. 8433)

(c) consideration be given to the introduction within the RCMP of an ethics code or its equivalent to provide general guidance to members as to appropriate and/or permissible conduct, including, specifically, conduct in the recruitment of human sources.

11. the Commission should recommend that:

(a) RCMP Headquarters clarify for all Divisions that existing general expenditure authorities may be utilized in appropriate cases for relocated persons to finance unanticipated or emergency expenditures; and

(b) members of the RCMP involved in drug enforcement work and Source Witness Protection Coordinators be informed that in submitting relocation proposals in the future to Headquarters for approval, all such proposals should include a contingency budget item for unanticipated or emergency expenditures relation to the relocated source.

COMMENT BY RCMP COUNSEL:

[The RCMP] do not oppose a recommendation in these terms, but it's our submission that any contingency built into the proposal ought to be relatively minimal in order to ensure [proper] financial control and accountability of public funds. (Transcript, p. 8440)

12. the Commission should consider the advisability of recommending that RCMP policy and procedures with respect to the completion of source coding forms and briefing documents prepared regarding the involvement of human sources in undercover drug operations be clarified or reconfirmed so as to ensure that members are informed of the importance attached to and reliance placed upon such reports by senior management of the RCMP to assist in management decision-making and, therefore, the importance of members striving to achieve factual accuracy in the preparation of such documents.

COMMENT BY RCMP COUNSEL:

Opposed as redundant. Under s. 45 of the regulations (under the RCMP Act, detailed guidance to the field on the importance of accurate information is being funnelled up the chain of command. Consequently, a further recommendation for policy direction or in fact regulatory amendment in this area would be unnecessary. (Transcript, p. 8440-1)

13. the Commission should consider in its recommendations:

(a) acknowledging that the revised procedures and policy of the RCMP, whereby LOAs for agent awards are required in advance of the involvement of an agent in an undercover operation, reflect a substantive improvement over the practices and procedures applicable at the time that Mrs. Glambeck became involved as an agent of the RCMP;

(b) the issue of the level of experience with LOAs and relocated persons enjoyed by the members of the RCMP tasked to present LOAs. LOAs, it is respectfully submitted, should be presented to prospective agents, and explained to them in detail, by persons having experience and familiarity with the content and rationale for the LOAs;

(c) recommending that upon presentation of an LOA by the RCMP to a prospective agent, the agent be informed clearly that he or she may seek independent legal advice concerning the content of the LOA so long as their counsel, for security reasons, does not retain a copy of the LOA document itself;

(d) recommending that the RCMP give consideration to the merits of requiring a prospective agent, where a proposed LOA is reviewed by the prospective agent's lawyer, to obtain and deliver to the RCMP for its files a certificate of independent legal advice in form and content acceptable to the RCMP; and

(e) recommending that LOAs presented to prospective agents clearly define the responsibility of the RCMP, if any, to provide protective measures in the future and the conditions under which such protective measures may be terminated as, for example, upon demonstrated failure of a relocated agent to seek employment or upon the relocated agent breaching his or her own security contrary to the advice and efforts of the RCMP.

COMMENT BY RCMP COUNSEL:

Opposed as recommendations with respect to Letters of Acknowledgment are outside the parameters of these complaints and the Commission's mandate and further since there is insufficient evidence before the Commission to enable it to make useful findings or recommendations...it could be possibly dangerous for the Commission to make findings and recommendations without knowing their possible impact on a wide range of cases. (Transcript, p. 8441-2)